S. HRG. 99-672

MAILING OF DANGEROUS MARTIAL ARTS WEAPONS

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

S. 1363

A BILL TO PROHIBIT THE USE OF THE MAILS TO SEND DANGEROUS MARTIAL ARTS WEAPONS

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MAILING OF DANGEROUS MARTIAL ARTS WEAPONS—S. 1363

WEDNESDAY, OCTOBER 16, 1985

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 10:40 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Paul Simon (acting chairman) presiding.

Also present: Senators Denton, Kennedy, Specter, and Grassley.

Also present: Diana L. Waterman, general counsel; Nicholas Allard, counsel, Randall Rader, counsel; Eddie Correia, counsel, and Christopher Dunn, counsel to Senator Simon.

OPENING STATEMENT OF SENATOR PAUL SIMON

Senator SIMON [presiding]. The hearing will come to order.

I am chairing this hearing temporarily. I am pleased to be a cosponsor of the legislation that is pending. We do face a problem. There are an array of things in front of me that 11-year-olds can write in and get, objects that are anything but playthings. They tend to get glamorized in magazines and movies.

I will enter into the record a videotape of commentary by a Chicago commentator, Alex Seith, that comments on this. Clearly, we have to do something, and we hope to hear from the witnesses comments just what can be done.

I also would like to enter into the record at this point the comments of Senator Kennedy in the way of an opening statement. He will be joining us very shortly. And also a copy of S. 1363.

[Information follows:]

OPENING STATEMENT OF SENATOR EDWARD M. KENNEDY

Long standing federal law is intended to keep firearms, explosives, switchblade knives, and other obviously lethal items out of the United States mails. But a loophole in the law permits a variety of dangerous martial arts weapons to be sent through the mail, in violation of state and local laws that ban their sales.

Chairman Thurmond and I have introduced legislation to close this loophole and prevent mail order firms from circumventing these local prohibitions, and I am grateful to the Chairman for scheduling today's hearing to explore this issue.

The Commonwealth of Massachusetts has outlawed these weapons with one of the toughest state laws in the country. But the devices continue to be available through mail order firms that advertise in sports magazines, comic books, unsolicited catalogues, and a variety of publications targeted at children.

Our legislation, and today's hearing, is in response to law enforcement officials from across the country, including 45 police chiefs from Massachusetts as well as state attorney generals from New York to California. The national PTA is also urging action at the federal level, as are some martial arts practicioners concerned

about public safety and the prevention of injuries that can occur outside of properly supervised and controlled sports activity. Our bill also responds to the concerns of the Society for the Prevention of Blindness and the National Eye Trauma System.

The martial arts teach values of competition, discipline, dedication, and athletic endeavor that we all admire. Judo has been an Olympic sport since 1964, and Tae Kwon Do will be part of the 1988 Olympics Games in Seoul, where the sport originated centuries ago. But abuse of low-cost and extremely dangerous weapons such as throwing stars and fighting chains is giving the sport an undeserved black eye.

Twelve states have already passed laws that prohibit or regulate certain dangerous martial arts weapons: Arizona, California, Colorado, Illinois, Kentucky, Maryland, Massachusetts, New York, Oregon, Rhode Island, Virginia, and Washington.

Similar legislation has recently been introduced in Connecticut, Delaware, Maine, Michigan, Nevada, Pennsylvania and Texas and Wisconsin. And all 50 states have general laws applicable to martial arts weapons that prohibit their use as deadly or concealed weapons.

But it is clear that the states alone cannot enforce their Laws if the flood of mail order martial arts weapons continues unchecked.

Mr. Chairman, I thank you for scheduling these important hearings and I applaud your leadership on this issue.

99TH CONGRESS
1ST SESSION

S. 1363

To prohibit the use of the mails to send dangerous martial arts weapons.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 1985

Mr. KENNEDY (for himself, Mr. THURMOND, Mr. KERRY, Mr. HOLLINGS, Mr. DECONCINI, Mr. CRANSTON, Mr. CHAFEE, Mr. D'AMATO, and Mr. METZENBAUM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To prohibit the use of the mails to send dangerous martial arts weapons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1716 of title 18, United States Code, is amended by—

(1) redesignating subsection (h) as subsection (1); and

(2) inserting after subsection (g) the following new subsection:

"(h)(1) Whoever—

"(A) knowingly deposits for mailing or delivery, or

"(B) knowingly causes to be delivered by mail, any dangerous martial arts weapon, and thereby sells or transfers, or attempts to sell or transfer such weapon to any person in a state which prohibits manufacturing, selling, carrying, or possessing, such dangerous martial arts weapon, shall be fined not more than $1,000 or imprisoned not more than one year or both.

"(2) Dangerous martial arts weapons may be conveyed in the mails under such regulations as the Postal Service shall prescribe—

"(A) to civilian or Armed Forces supply or procurement officers and employees of the Federal Government ordering, procuring, or purchasing such weapons in connection with the activities of the Federal Government;

"(B) to supply the procurement officers of the National Guard, the Air National Guard, or militia of a State, territory, or the District of Columbia ordering, procuring, or purchasing such weapons in connection with the activities of such organizations;

"(C) to supply or procurement officers or employees of the municipal government of the District of Columbia or of the government of any State or territory,

or any county, city, or other political subdivision of a State or territory, ordering, procuring, or purchasing such weapons in connection with the activities of such government;

"(D) to manufactures of such weapons or bona fide dealers therein in connection with any shipment made pursuant to an order from any person designated in subparagraphs (A), (B), and (C); and

"(E) to a person or business in a State in which a sale or transfer would be legal under the laws of such State.

The Postal Service may require, as a condition of conveying any such weapon in the mails, that any manufacturer or dealer proposing to mail such weapon explain in writing to the satisfaction of the Postal Service that the mailing of such weapon will not be in violation of this section

"(3) For the purposes of this subsection, the term "dangerous martial arts weapon" means—

"(A) A nunchaku, also known as klackers, kung fu sticks, or similar weapons consisting of two sticks of wood, plastic, or metal connected at one end by a length of rope, chain, wire, or leather;

"(B) a shuriken or similar pointed starlike object intended to injure a person when thrown;

"(C) a manrikigusari, also known as a fighting chain, or similar weapon consisting of a length of chain having weighted ends.

The term dangerous martial arts weapon does not mean any knife, sword, or ceremonial or collector weapon that is otherwise mailable under this section."; and

(3) inserting at the end of new subsection (i): "This subsection shall not apply to subsection (h) concerning dangerous martial arts weapons.".

○

Senator SIMON. Our first set of witnesses is a panel including Victoria Toensing, Deputy Assistant Attorney General of the Criminal Division, and Jack Swagerty, Assistant Chief Inspector, Criminal Investigations, U.S. Postal Service.

Ms. Toensing, we are very pleased to have you here.

STATEMENT OF A PANEL INCLUDING VICTORIA TOENSING, DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE, WASHINGTON, DC, AND JACK E. SWAGERTY, ASSISTANT CHIEF INSPECTOR, CRIMINAL INVESTIGATIONS, U.S. POSTAL SERVICE, WASHINGTON, DC, ACCOMPANIED BY GEORGE DAVIS, ASSISTANT GENERAL COUNSEL

Ms. TOENSING. Thank you, Mr. Chairman.

I thank you for asking me here to discuss with the committee our concerns. We share your concerns about the interstate traffic in dangerous martial arts weapons, and so we look forward to working with you and the staff of this committee to get legislation which we think will be helpful in this area.

Senator SIMON. If I may just interrupt, we will be limiting witnesses to 5 minutes. We will enter all statements in the record. We will have a light here, and when that goes red, that is a signal for the witnesses that the time has expired.

Excuse me for interrupting.

Ms. TOENSING. Thank you, Mr. Chairman.

We share this concern because we also feel that there is easy access in interstate commerce with these weapons, and that access has led to an increase in injuries to children from these weapons and to an increase in the use of these weapons by criminals.

For example, we want to share our information with the committee that at various times, State and local police officers attending the FBI Academy at Quantico, VA, have reported to the Bureau staff that there is an increasing use of martial arts weapons by street gangs.

So, Mr. Chairman, we support the enactment of this legislation, and we look forward to making it, we think, even more enforceable in this area.

As you know, S. 1363, with certain exceptions, would make it a misdemeanor offense for anyone to sell or transfer dangerous martial arts weapons by use of the mails into a State which prohibits the manufacturing, selling, carrying, or possessing of such weapons. However, sale or transfer to a person to whom sale or transfer was legal under the laws of his or her State would not be prohibited.

"Dangerous martial arts weapons" would be defined as the throwing stars, which we have here before us on the table, and the nunchakus, and the fighting chains. All of them are displayed before us.

With two major differences, the provisions of the bill are apparently modeled after the Switchblade Knife Act, which was enacted in 1958. First, unlike S. 1363, the Switchblade Knife Act prohibits the introduction of switchblade knives not only into the mail, but also prohibits it into interstate commerce. S. 1363 does not prohibit

the shipment in interstate commerce of martial arts weapons. And as a consequence, if enacted in its present form, the bill would fail to achieve the stated purpose of its sponsors, that is, preventing an individual in a State which prohibits possession of such weapons from having the weapon sent to him from outside the State. A company could evade the legal restrictions and be able to sell lawfully a throwing star to a juvenile in Massachusetts by simply sending it to the juvenile via UPS or some similar interstate commercial carrier, rather than sending it by mail.

So, in order to prevent a juvenile in Massachusetts from purchasing a throwing star or other kind of martial arts weapon from an out-of-State manufacturer or seller, the bill should include additional provisions analogous to those contained in the Switchblade Knife Act which would prohibit the transfer of such weapons in interstate commerce as well as prohibiting the transfer through the mails.

The second major difference that we would like to discuss is that the proposed legislation would not prohibit the mailing of dangerous martial arts weapons into all the States, but only into those States which prohibit the manufacture, sale, carrying or possession of such weapons. Since the laws of the 12 States which have specifically regulated these weapons differ so widely, such a limitation would make the bill very difficult to enforce and, from the perspective of the citizen, unpredictable in its application.

For example, the State of Washington prohibits the possession of martial arts weapons by students under 21 who are on elementary or secondary school grounds. So, would the proposed legislation prohibit the mailing of a throwing star to a person in the State of Washington if that person were not a student, or were over 21 and did not intend to take the star onto the grounds of an elementary or secondary school?

New York and Oregon prohibit the possession of nunchaku with the intent to use them unlawfully. Would the legislation prohibit a manufacturer from mailing nunchaku to a customer in New York who intended to use them only for lawful purposes?

How is the seller to know what the intent of the purchaser is?

Many States have not regulated by statute the possession of these types of weapons. What has happened is that courts have construed general statutes that prohibit the carrying of dangerous weapons. Would it be an offense to mail such a weapon into a State which by case law has prohibited its possession under certain limited circumstances?

We feel it would be more effective and more predictable an application to avoid these problems by amending the Switchblade Knife Act to include dangerous martial arts weapons, as defined in S. 1363. The introduction of such weapons into the mails or into interstate commerce would then be prohibited regardless of the destination.

I would like to point out one other thing, Mr. Chairman, that is, under chapter 18 statute which is enforced by the Postal Service, it is a misdemeanor to mail such weapons, or the switchblades. The way the statute scheme is set up it is a misdemeanor to mail the switchblade knives.

However, under chapter 15, which is based on interstate commerce, the UPS provision as I call it, it is a felony. So you may want to consider, and we would be delighted to work with the staff in so considering whether we should make it a misdemeanor if mailing it through the mail, but a felony if going by UPS. It does not appear to make sense, and we would be glad to work with you in that regard.

I would be happy to answer any questions you may have.

Senator SIMON. Thank you very much.

[Statement follows:]

Department of Justice

STATEMENT

OF

VICTORIA TOENSING
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

Mr. Chairman and members of the Committee, my name is Victoria Toensing. I am a Deputy Assistant Attorney General in the Criminal Division of the Department of Justice. Thank you for this opportunity to appear here today to discuss with the Committee your concerns about the interstate traffic in dangerous martial arts weapons.

We share with the sponsors of S. 1363 a concern that the popularization of dangerous martial arts weapons, and their easy access in interstate commerce, have led to an increase in injuries to children from these weapons and to an increase in the use of these weapons by criminals. For example, at various times State and local police officers attending the FBI Academy at Quantico, Virginia, have reported to the Quantico staff an increasing use of martial arts weapons by street gangs. Mr. Chairman, the Department of Justice supports the enactment of S. 1363 with some amendments which I will discuss today.

As you know, S. 1363, with certain exceptions, would make it a misdemeanor offense for anyone to sell or transfer dangerous martial arts weapons, by use of the mails, into a State which prohibits the manufacturing, selling, carrying or possessing of such weapons. However, sale or transfer to a person to whom such sale or transfer was legal under the laws of his or her State would not be prohibited. Dangerous martial

arts weapons would be defined as throwing stars, nunchaku and fighting chains.

With two major differences, the provisions of the bill are apparently modeled after the Switchblade Knife Act, enacted in 1958. First, unlike S. 1363, the Switchblade Knife Act prohibits the introduction of switchblade knives into not only the mail, but also into interstate commerce. S. 1363 does not prohibit the shipment in interstate commerce of martial arts weapons. As a consequence, if enacted in its present form, the bill would fail to achieve the stated purpose of its sponsors, that is, preventing an individual in a State which prohibits possession of such weapons from having the weapons sent to him from outside the State. A company would be able, for example, lawfully to sell a throwing star to a juvenile in Massachusetts by simply sending it to the juvenile via United Parcel Service or some similar interstate carrier, rather than by mail. In order to prevent a juvenile in Massachusetts from purchasing a throwing star or other martial arts weapon from an out-of-state manufacturer or seller, the bill would have to include additional provisions, analogous to those contained in the Switchblade Knife Act, prohibiting the transfer of such weapons in interstate commerce, as well as by mail.

The second major difference between the Switchblade Knife Act and S. 1363 is that the latter would not prohibit the mailing of dangerous martial arts weapons into all States, but only into those States which prohibit the manufacture, sale, carrying or possession of such weapons. Since the laws of the twelve States which have statutes specifically regulating these weapons differ so widely, such a limitation will make the bill, if enacted, difficult to enforce and, from the perspective of the citizen, unpredictable in its application. For example, the State of Washington prohibits the possession of martial arts weapons by students under 21 who are on elementary or secondary school grounds. Would S. 1363, if enacted, prohibit the mailing of a throwing star to a person in the State of Washington if that person were not a student or were over 21 or did not intend to take the star onto the grounds of an

elementary or secondary school? New York and Oregon prohibit the possession of nunchaku with the intent to use them unlawfully. Would S. 1363 prohibit a manufacturer from mailing nunchaku to a customer in New York who intended to use them only for lawful purposes? How is the seller to know the intent of the purchaser? Moreover, many States have not regulated by statute the possession of specifically these types of weapons. Rather, courts have construed general statutes prohibiting the carrying of dangerous weapons to include, under certain circumstances, nunchaku, for example. Would it be an offense to mail such a weapon into a State which may have, by case law only, prohibited its possession under certain limited circumstances?

It would be more effective and more predictable in application to avoid these problems by simply amending the Switchblade Knife Act to include dangerous martial arts weapons as defined in S. 1363. The introduction of such weapons into the mails or into interstate commerce would then be prohibited regardless of destination. However, such an approach would still allow a State, if it chose, to decide under what circumstances possession of these implements within the State would be lawful, provided the weapons were manufactured and transported only within that State.

If so amended, the Department of Justice recommends enactment of the bill.

I would be pleased to answer any questions the Committee might have.

Senator SIMON. Mr. Jack Swagerty, Assistant Chief Inspector, Criminal Investigations, for the Postal Service. We are happy to have you here today, Mr. Swagerty.

STATEMENT OF JACK E. SWAGERTY, ASSISTANT CHIEF INSPECTOR, CRIMINAL INVESTIGATIONS, U.S. POSTAL SERVICE

Mr. SWAGERTY. Thank you, Senator Simon.

I appreciate the opportunity to testify, Mr. Chairman, and I would like to introduce to you Mr. George Davis, the Assistant General Counsel, Consumer Protection Division, U.S. Postal Service, who is here with me today.

We are here at your request to testify on S. 1363, a bill to prohibit the use of the mails to send dangerous martial arts weapons. The legislation would establish a Federal misdemeanor offense for the mailing of dangerous martial arts weapons, defined in the bill as klackers, or throwing stars, or fighting chains, to anyone in a State that prohibits the manufacturing, selling, carrying, or possessing of such weapons.

The Postal Service sympathizes with the goal of this legislation to help State authorities who are trying to stop abuses of these dangerous weapons.

From an administrative standpoint, however, the bill in its present form poses some difficult problems for law enforcement. We understand that less than a third of the States at the present time have laws covering martial arts weapons. Moreover, the State laws on the subject differ widely. For example, some require proof of intent to use these weapons unlawfully in order to establish an offense. Under these circumstances, it would be extremely difficult to interpret and enforce the legislation as currently drafted.

The bill would avoid the most troublesome of these problems if it were revised to prohibit the mailing of martial arts weapons, as defined in the bill, and with the narrow exceptions provided, but without reference to the differing State laws on the subject. This kind of change would overcome the enforcement problems we see in the current draft.

Also, the committee may wish to consider whether the bill leaves a major loophole by not prohibiting interstate shipment of martial arts weapons outside the mails. Without closing this loophole, enactment of legislation such as this might result in shifting much of the traffic in these weapons from the mails to private carriers.

This concludes my prepared statement. I would be very happy to answer any questions you may have.

Senator SIMON. I thank you both very much.

Ms. Toensing, you referred to—and I may be mispronouncing this—nunchaku. I notice it is in the legislation itself. I have to say I do not know what that is.

Ms. TOENSING. It is on the table there. I believe it is the chain with the heavy objects on either side.

Senator SIMON. Could someone on the staff hold this up, so we can try to figure out what we are talking about here?

Thank you.

Now, as I read through this and I hear the testimony, the thing you put in your hand with those little nails in it—if staff would hold that up—would that be outlawed under this legislation?

Ms. TOENSING [conferring with staff]. My expert tells me it is not covered. I sure wish it were.

Senator SIMON. It is not covered. Well, it sure ought to be, too. You are right.

OK, just so we have that clear.

Senator Kennedy, who is very much interested in this whole area will have questions—let me note: "I call your attention to exhibit 1, which staff will display, a chart of applicable State laws.".

"Exhibit 2 shows portions of sample mail order ads that appear throughout the country."

Basically, what the two of you are saying is that the bill is a good bill, but that it needs to be strengthened; that there are loopholes in it. Is that fundamentally correct?

Ms. TOENSING. Yes. If it is really the intent of the committee to stop the shipment of these dangerous objects through the mails and through interstate commerce, then we must make the legislation more inclusive. We will have to broaden it in order to do that.

Senator SIMON. Mr. Swagerty.

Mr. SWAGERTY. Yes, I agree with that statement.

Senator SIMON. Senator Kennedy also has this question. He says,

"As you can see from exhibit 1—

the list of the applicable State laws—

The applicable State laws vary from State to State. You recommend a ban of interstate sale altogether, as in the 1958 Switchblade Act, applicable to all 50 States, and applicable to private carriers as well as the U.S. mail; is that correct?

Ms. TOENSING. That is correct.

Mr. SWAGERTY. Yes, Senator, that is correct.

Senator SIMON. I would like to have legislation that accomplishes what we want to do—for example, covers that little item that we held up that is not now covered. If you can help our staff in drafting such amendments, we would appreciate that.

Ms. TOENSING. We would be delighted. We must always balance. Sometimes knitting needles can be a dangerous object, and would look dangerous if we did not know their intended use. That kind of language gets difficult, but we will work with the staff to see what we can work out.

Senator SIMON. The knitting needle has a constructive purpose other than to harm human beings. It is very difficult for me to imagine any constructive purpose on that particular piece of equipment.

I am sure somehow that can be done, and I would appreciate your help on that.

We thank you very, very much for your testimony here today.

Senator SIMON. Our next panel includes Joseph Carter, the superintendent for Neighborhood Services of the Boston Police Department, and Paul Carr, sergeant detective of the Boston Police Department.

We are happy to have you here, and I am sure both Senators Kennedy and Kerry would want me to officially welcome you. I

know both are interested, Senator Kennedy as chief sponsor and Senator Kerry as cosponsor of this legislation.

We are happy to have you here with us.

Superintendent Carter, we will start with you.

STATEMENT OF A PANEL INCLUDING JOSEPH C. CARTER, SUPERINTENDENT FOR NEIGHBORHOOD SERVICES, BOSTON POLICE DEPARTMENT, BOSTON, MA, AND PAUL E. CARR, SERGEANT DETECTIVE, BOSTON POLICE DEPARTMENT, BOSTON, MA

Mr. CARTER. Good morning, Senator Simon and members of the Senate Judiciary Committee.

Please excuse my voice, as I am just getting over the flu and strep throat.

Police Commissioner Francis M. Roache of the Boston Police Department could not attend today's hearing because of his participation in the International Association of Chiefs of Police Convention which is being held in Houston, TX, this week. The commissioner has asked me to attend today's hearing and testify on his behalf in support of Senate bill 1363, which would ban the mail order sales of certain dangerous martial arts weapons.

I would like to begin my testimony by reading a statement from Police Commissioner Roache.

To all members of the Senate Judiciary Subcommittee, It has recently come to my attention that the United States Senate is considering legislation which would ban the mail-order sale of certain dangerous martial arts-type weapons. I wish to express my strong support for this legislation. Although Massachusetts State law prohibits the sale and possession of such weapons, officers of the Boston Police Department are still finding them in the possession of young people in our city and State who have circumvented State law by ordering them through the U.S. mail.

Although I cannot attend the Senate Judiciary Subcommittee's hearing in Washington today, I will be actively seeking support for this bill from my fellow police executives who are attending the International Association of Chiefs of Police Convention here in Houston, TX.

I have asked Superintendent Joseph C. Carter, Chief of the Bureau of Neighborhood Services of the Boston Police Department, and Sergeant Paul E. Carr of the Department's Research and Development Division to represent me at the hearing and to lend support to the Subcommittee's work on behalf of the American people.

Sincerely, Francis M. Roache, police commissioner.

Shortly after Commissioner Roache asked me to attend today's hearing, I was approached by a gentleman who was distraught because he had discovered that his son, age 12, had in his possession several dangerous weapons, including throwing stars, nunchakus, and a double-edged throwing knife. When I asked the youngster how he had come into possession of such dangerous and illegal weapons, he simply replied that he had "sent away for them." This 12-year-old boy had saved his allowance, filled out a coupon in a magazine and sent cash through the U.S. mail in return for weapons which could cause serious injury to himself or to another youngster.

Luckily, the youngster involved in the situation I just described was not injured, nor was anyone else. However, I think this incident dramatically illustrates just the type of danger presented by the availability through the mail of martial arts-type weapons. Also, how many other youngsters are ordering such weapons through the mails unknown to their parents? How many irrespon-

sible, even criminal types of persons have access to an entire range of illegal and dangerous weapons without check?

I have brought with me today several weapons which have been confiscated by police officers in Boston and which are easily available to anyone who can buy a stamp and fill out a coupon.

Nunchakus, also known as klackers or kung-fu sticks—and I have samples here in the case, but they are there on the table. They are two sticks of wood, plastic or metal, connected at one end by a length of rope, chain, wire or leather. Some of the weapons I have with me are the type ordered through the mail, and some of the others are of the homemade variety.

Shuriken, also known as dirks, darts, or stars, are small, multipointed throwing weapons. They are usually thrown at the eyes, throat, temple and arms to injure or kill an opponent. They have no useful purpose in martial arts schools or competitions and can cause serious damage in the hands of children.

Studded wrist bands and gloves. These are leather wristbands decorated with sharp studs. When used as a weapon, such as having the studs on a glove, they can cause serious injuries such as blindness and serious lacerations.

These weapons and many others like them are made readily available through the companies which advertise in the plethora of magazines and publications which are directed at the martial arts market. The two I have with me today, Black Belt magazine, which is on the table, and The U.S. Cavalry Mail Order Catalogue, are good examples of the sources of martial arts weapons throughout the United States. Along with the weapons themselves, these companies market many detailed books and charts which expressly detail how to use martial arts weapons to seriously injure and kill someone.

The Commonwealth of Massachusetts has passed legislation which makes it illegal for anyone to own, possess, manufacture or market weapons of this type. However, the easy availability of nunchakus, shurikens, manrikigusari and the like through mail order companies seriously undermines the State's ability to prevent youngsters or similarly unsuitable persons from possessing these weapons.

Finally, I would like to leave the committee with a final thought. Although the manufacturers of these weapons and those who market them would have you believe that they are perfectly harmless and of use to students of the martial arts, they are not. They are marketed as weapons for use in causing serious bodily harm and possibly death to other persons. Further, the companies which are marketing these weapons have no control and appear to have no concern over who are receiving their wares through the U.S. mail. A convicted felon or a 12-year-old child have equal and unimpeded access to dangerous weapons, with virtually no control over how they are used or abused.

Senate bill 1363, if passed, would be a powerful and positive step toward controlling an entire range of weapons which are presently unchecked.

Thank you, Mr. Simon.

Senator SIMON. Thank you, Mr. Carter.

[Statement follows:]

TESTIMONY OF SUPERINTENDENT JOSEPH C. CARTER BEFORE THE SENATE JUDICIARY SUB-COMMITTEE'S HEARING ON SENATE BILL 1363 BANNING THE SALE OF MARTIAL ARTS THROUGH THE US MAILS

Good morning, Mr. Chairman, Senator Kennedy and members of the Senate Judiciary Committee. Police Commissioner Francis M. Roache of the Boston Police Department could not attend today's hearing because of his participation in the International Association of Chiefs of Police Convention which is being held in Houston, Texas this week. The Commissioner has asked me to attend today's hearing and testify on his behalf in support of Senate bill 1363 which would ban the mail-order sales of certain dangerous martial arts weapons. I would like to begin my testimony by reading a statement from Police Commissioner Roache.

"To all the Members of the Senate Judiciary Sub-Committee:

"It has recently come to my attention that the United States Senate is considering legislation which would ban the mail-order sale of certain dangerous martial-arts type weapons. I wish to express my strong support for this legislation. Although Massachusetts State Law prohibits the sale and possession of such weapons, officers of the Boston Police Department are still finding them in the possession of young people in our city and state who have circumvented state law by ordering them through the US Mail.

"Although I cannot attend the Senate Judiciary Sub-Committee's hearing in Washington today, I will be actively seeking support for this bill from my fellow police executives who are attending the International Association of Chiefs of Police Convention here in Houston, Texas.

"I have asked Superintendent Joseph C. Carter, Chief of the Bureau of Neighborhood Services of the Boston Police Department and Sergeant Paul E. Carr of the Department's Research and Development Division to represent me at the hearing and to lend support to the Sub-Committee's work on behalf of the American people.

"Sincerely, Francis M. Roache, Police Commissioner"

Shortly after Commissioner Roache asked me to attend today's hearing I was approached by a gentleman who was distraught because he had discovered that his son, age 12, had in his possession several dangerous weapons, including throwing stars, nunchakus and a double edged throwing knife. When I asked the youngster how he had come into possession of such dangerous and illegal weapons, he simply replied that he had "sent away for them." This twelve year old boy had saved his allowance, filled out a coupon in a magazine and sent cash through the US Mail in return for weapons which could cause serious injury to himself or to another youngster.

Luckily, the youngster involved in the situation I just described was not injured nor was anyone else. However, I think this incident dramatically illustrates just the type of danger presented by the availibility through the mail of martial arts type weapons. Also, how many other youngsters are ordering such weapons through the mails unknown to their parents? How many irresponsible, even criminal types of persons, have access to an entire range of illegal and dangerous weapons without check?

I have brought with me today several weapons which have been confiscated by Police Officers in Boston and which are easily available to anyone who can buy a stamp and fill out a coupon.

Nunchakus, also known as Klackers or Kung-Fu Sticks- Nunchuks are two sticks of wood, plastic or metal connected at one end by a legnth of rope, chain, wire or leather. Some of the weapons I have with me are the type ordered through the mail and some of the others are of the home made variety.

Shuriken, also known as Dirks, Darts or Stars- These are small, multi-pointed throwing weapons. They are usually thrown at the eyes, throat, temple and arms to injure or kill an opponent. They have no useful purpose in martial arts schools or competitions and can cause serious damage in the hands of children.

Studded wrist bands and gloves- These are leather wrist bands decorated with sharp studs. When used as a weapon, such as having the studs on a glove, they can cause serious injuries such as blindness and serious lacerations.

These weapons, and many others like them, are made readily available through companies which advertise in the plethora of magazines and publications which are directed at the martial arts market. The two I have with me today, **Black Belt Magazine** and **The US Cavalry Mail Order Catalogue** are good examples of the sources of martial arts weapons throughout the United States. Along with the weapons themselves, these companies market many detailed books and charts which expressly detail how to use martial arts weapons to seriously injure and kill someone.

The Commonwealth of Massachusetts has passed legislation which makes it illegal for anyone to own, possess, manufacture or market weapons of this type. However, the easy availability of nunchukas, shurikens, manrikigusari and the like through mail order companies seriously undermines the state's ability to prevent youngsters or similarly unsuitable persons from possessing these weapons.

Finally, I would like to leave the Sub-Committee with a final thought: Although the manufacturers of these weapons and those who market them would have you believe that they are perfectly harmless and of beneficial use for students of the martial arts, they are not. They are marketed as weapons for use in causing serious bodily harm and possibly death to other persons. Further, the companies which are marketing these weapons have no control and appear to have no concern over who are receiving their wares through the US Mail. A convicted felon or a twelve year old child have equal and unimpeded access to dangerous weapons with virtually no control over how they are used or abused.

Senate Bill 1363, if passed, would be a powerful and positive step towards controlling an entire range of weapons which are presently unchecked.

Thank You.

Senator SIMON. Mr. Carr?

STATEMENT OF PAUL E. CARR

Sergeant CARR. Thank you. Good morning, Senator Simon, members of the Senate Judiciary Committee.

Late in the year 1975, the Massachusetts Legislature saw fit to pass laws prohibiting the possession, sale or manufacture of certain types of weapons commonly associated with the martial arts. Massachusetts general laws, chapter 269, sections 10 and 12, make specific reference to the possession or sale of weapons known as nunchakus, shurikens, metallic knuckles, any double—edged knives or weighted chains known as manrikigusari. These laws were written or amended in response to attacks on police officers by persons utilizing these weapons.

My first experience with these weapons, especially the shurikens or pointed stars, came in 1974 while the city of Boston was suffering the initial negative reactions to the busing of schoolchildren to

achieve racial equality. Several times during demonstrations against the forced bussing, groups of angry youths clashed with the police, and these shurikens were thrown at police officers. Luckily, there were no serious injuries of police officers. But for the first time we became seriously aware of the dangerous potential which these types of weapons held.

The indiscriminate nature of a thrown object such as a bottle or a rock became a minor threat compared to these bladed instruments.

In the time since those first incidents, the Boston Police Department has actively sought to educate its officers of the danger associated with these weapons. New recruits are instructed at the academy to identify and deal with these weapons, and veteran officers are reminded of their danger during the yearly retraining sessions they attend at the academy.

Arrests have been made by officers of persons carrying nunchakus or shurikens, often in conjunction with other crimes. We have seen weapons of these types surfacing in gang-related incidents in certain parts of our city. Also, we have experienced arrests of persons carrying studded gloves, wristbands, and metallic knuckles who have somehow come to the conclusion that they are legitimate articles of self-defense.

The chapter and section of the general laws of our State which govern the possession of the weapons we are discussing today carries with it a felony sentence of 2½ to 5 years. The sale and manufacture portion of the law carries a misdemeanor fine of $50 to $200, and a possible sentence of 6 months in the house of correction.

In the city of Boston during the year 1984, there were 3,931 arrests made for the possession of a dangerous weapon; 3,119 of these incidents involved a knife or cutting instrument, or another type of dangerous weapon. As a police officer and a citizen of the Commonwealth of Massachusetts, I would encourage the U.S. Senate to pass Senate bill 1363. This bill would fill the loophole in our State law which prohibits possession and sale of such weapons, but allows anyone to order them through the mail.

Police officers in Boston as well as other places must daily face an array of violent weapons as part of their sworn duties. We do not need to add to this by allowing an unchecked flow of dangerous and illegal weapons to flow into our cities and the hands of our youngsters through the U.S. mails.

So-called martial arts weapons serve no useful purpose in the hands of juveniles or anyone else. They are marketed as a means of violent assault and can only serve to further add to the daily pain and suffering which police officers must deal with.

Thank you, Senator.

Senator SIMON. We thank both of you.

[The prepared statement follows:]

TESTIMONY OF SERGEANT PAUL E. CARR BEFORE THE SENATE'S JUDICIARY SUB-COMMITTEE ON SENATE BILL 1363 BANNING THE SALE OF MARTIAL ARTS WEAPONS THROUGH THE US MAIL

Good morning Mr. Chairman, Senator Kennedy and members of the Senate Judiciary's Sub-Committee.

Late in the year 1975 the Massachusetts Legislature saw fit to pass laws prohibiting the possession, sale or manufacture of certain types of weapons commonly associated with the martial arts. Massachusetts General Laws, Chapter 269, Sections 10 and 12 makes specific reference to the possession or sale of weapons known as nunchakus, shurikens, metallic knuckles, any double edged knives or weighted chains known as manrikigusari. These laws were written or amended in response to attacks on police officers by persons utilizing these weapons.

My first experience with these weapons, especially the shurikens or pointed stars, came in 1974 while the City of Boston was suffering the initial negative reactions to the bussing of school children to achieve racial equality. Several times during demonstrations against the forced bussing, groups of angry youths clashed with police and these shurikens were thrown at police officers. Luckily, there were no serious injuries of police officers, but for the first time we became seriously aware of the dangerous potential which these types of weapons held. The indiscrimminate nature of a thrown object, such as a bottle or rock, became a minor threat compared to these bladed instruments.

In the time since those first incidents, the Boston Police Department has actively sought to educate its officers of the danger associated with these weapons. New recruits are instructed at the Academy to identify and deal with these weapons and veteran officers are reminded of their danger during the yearly retraining sessions they attend at the Academy. Arrests have been made by officers of persons carrying nunchuks or shurikens, often in conjunction with other crimes. We have seen weapons of this type surfacing in gang-related incidents in certain parts of the city. Also, we have experienced arrests of persons carrying studded gloves, wrist bands and metallic knuckles who have somehow come to the conclusion that they are legitimate articles of self-defense.

The Chapter and Section of the General Laws of our state which govern the possession of the weapons we are discussing today carries with it a felony sentence of two and one half to five years. The sale and manufacture portion of the law carries a misdemeanor fine of fifty to two hundred dollars and a possible sentence of six months in the house of correction.

In the City of Boston during the year 1984, there were 3,931 arrests made for the possession of a dangerous weapon. 3,119 of those incidents involved a knife or cutting instrument or another type of dangerous weapon. As a police officer and a citizen of the Commonwealth of Massachusetts, I would encourage the US Senate to pass Senate Bill 1363. This bill would fill the loop-hole in our state law which prohibits possession and sale of such weapons but allows anyone to order them through the mail.

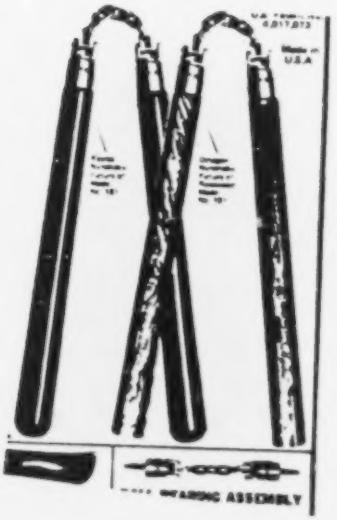
Police Officers in Boston, as well as other places, must daily face an array of violent weapons as part of their sworn duties. We do not need to add to this by allowing an unchecked flow of dangerous and illegal weapons to flow into our cities and the hands of our youngsters through the US Mails.

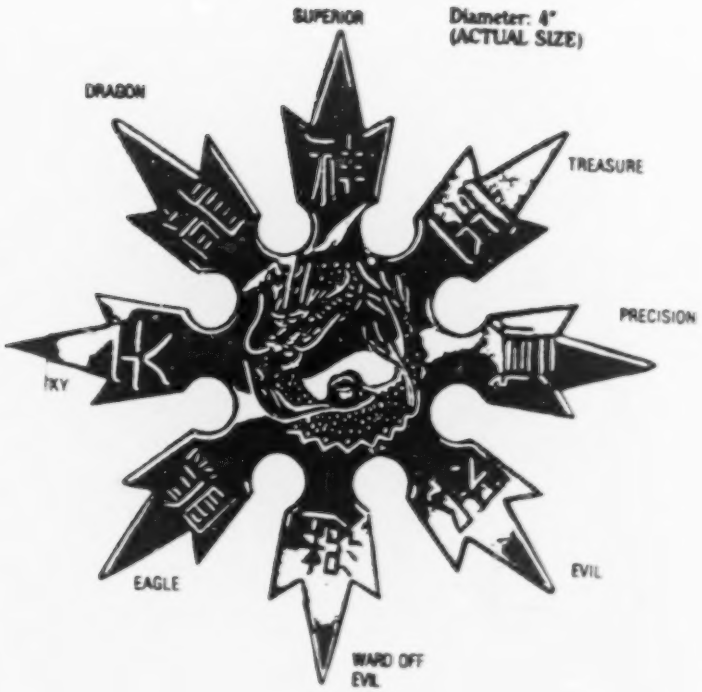
So called "martial arts" weapons serve no useful purpose in the hands of juveniles or anyone else. They are marketed as a means of violent assault and can only serve to further add to the daily pain and suffering which police officers must deal with.

Manriki-Gusari: a.k.a. kusari, ryo-bundo, surushin. It's a chain (usually two feet in length) with weights at either end.

MANRIKIGUSARI

Nunchaku: a.k.a. klackers, kung-fu sticks. Nunchuks are two sticks of wood, plastic, or metal connected at one end by a length of rope, chain, wire or leather.





Shurikens: a.k.a. dirks, darts, stars, shakens. Shurikens is a small multipointed throwing weapon. Usually thrown at eyes, throat, temple, and arms to slow opponent.

Used by the Japanese Ninja. Holds no useful purpose in martial arts schools. Not used in competitions. Can and would cause serious damage in the hands of children.

Senator SIMON. Let me ask both of you if, when children get these weapons—and I think weapons is the right word—through the mail, do their parents know about it at all, and do their parents understand how lethal these things can be?

Mr. CARTER. If I may, Mr. Simon, state for the record that these weapons can even be ordered through comic books, and the majority of times, parents are not aware that their children are saving money to buy any of these weapons that are glorified on video and on television. And in the instance that was close to me, the father of the 12-year-old only found out about it by looking out the window and seeing him in the backyard practicing against a tree.

So, in the majority of instances, it is my belief that parents are not aware that they are so easily avaliable through the mail and that their children in fact have possession of them.

Senator SIMON. And once they are, or see them, are parents aware of how dangerous these things can be?

Mr. CARTER. Well, in Massachusetts they are, due to the fact that there was a campaign to advertise the fact that they were illegal during the time of the enactment of the statute. So it is pretty much common knowledge in Massachusetts. However, I am unaware of the other States.

Senator SIMON. Sergeant Carr, do you want to add anything to that?

Sergeant CARR. Yes. Our intelligence have identified the fact that the nunchakus and stars are becoming part of the group of weapons that the young kids carry, and they find them in the trunks of cars in followup arrests. We have also seen doormen and other people use them for added dangerous weapons or persuaders in their line of business.

But we are seeing more and more of them surfacing now than we ever have.

Senator SIMON. Before I forget, and before I get to the next question, we do have to insert in the record the views of Edward Swartz, a nationally recognized toy safety expert, in support of this legislation; a letter from Dr. Leonard M. Parver will be inserted in the record, and the National Society for the Prevention of Blindness has a letter of support.

[The documents follow:]

Sauer & Sauer
ATTORNEYS AT LAW
The John & Ebenezer Thaxter House on The Freedom Trail
NUMBER TEN MARSHALL ST., BOSTON, MASSACHUSETTS 02108 · 617-742-1900

October 15, 1985

Senator Edward M. Kennedy
113 Russell Building
Washington, D.C. 20510

Dear Senator Kennedy:

It is with great concern that I write in support of S. 1363, the Marshall Arts Weapons Bill.

Deadly items of martial arts weaponry are polluting our marketplace and placing our children at risk of death and serious injury. These articles, including nunchakus, razor-sharp throwing stars, minichucks, pitch forks, and others, have added to the arsenal of weaponry that has transformed our children's world into a veritable armed camp.

Manufacturers and marketers of these deadly items are taking advantage of our media to sell their wares directly to our nation's children. They are taking full advantage of our children's yearning for adventure and excitement, with no word of the life-threatening risks that they may pose. Our children have become captive consumers in this industry's onslaught, easy prey to this industry's zeal for profits.

One need only review the current edition of one popular periodical, Karate Illustrated magazine (December, 1985) to understand the dimensions of this onslaught. In the pages commonly reserved for mail-order solicitations, we can find page after page of advertisements for such items as "Converta Chuck", "San Setsu-Kon-Nunchaku", "Ball Bearing Minichucks", "Pyramid Star", "Super Thro Knife", "Pitch Forks" and a host of similar articles. Many of these articles are priced very inexpensively (all throwing Stars, for example, are priced under $1.00), easily within the purchasing range of our children.

These articles of weaponry are already banned in several states including Massachusetts (See Mass. Gen. Laws C. 269 §12). Interestingly, the same magazine that provides advertising space for this industry attacks the growing trend of state restrictions on the sale and marketing of these items on its editorial page.

Swartz & Swartz
NUMBER TEN MARSHALL ST. BOSTON, MASSACHUSETTS 02108 · 617-742-1900

Under the headline, "Can Your Right to Practice Martial Arts Be Taken Away?", the magazine's editors, apparently seeking to protect their industry friends, warn their readers that, "If this trend continues, your state may fall in place with others that prohibit the sale of martial arts weapons. Wake up to the fact and respond accordingly, or you can kiss your classical weaponry goodbye". Apparently, this industry has friends in the media who will use their own editorial pages to protect this industry's interests.

It is time for those of us who are concerned for the interests and safety of America's children to be heard. This concern leads me to support S. 1363 as an important step in our national efforts to rid the marketplace of articles that can kill and maim our children. As a trial lawyer, consumer advocate, author of the consumer advocacy book, Toys That Don't Care and textbooks Hazardous Products Litigation, and Proof of Product Defect, I have seen and know of the tragic consequences of toys and other articles of weaponry that are marketed through the mail, with seductive advertisements and no opportunity for inspection or careful examination of the product before it enters the consumer's home. I have also learned that the methods used to market such a product can place our children at risk as much as the product's deadly design.

I laud this effort on the part of yourself and Senator Thurmond to act against the callous and unconscionable marketing of these deadly articles. I pray that S. 1363 receives the support of all those who care about our nation's children and recognize the need to protect them from marketing practices designed to sell such lethal wares regardless of the cost in terms of children's lives and safety.

Sincerely,

Edward M. Swartz

c.c. Senator Strom Thurmond

EMS/rw

AMMA
asian world of martial arts, inc.

PALM KNIFE
Stainless steel E shaped knife, includes leather sheath with clip for belt or boot.
#1351—6" long, 3½ oz. **$5.95**

PRO THRO KNIFE
Polished stainless steel with wood handle and leather sheath.
#1345-7¼" long 2½ oz. **$1.95**
#1346-10" long 3½ oz. **$2.95**

SUPER THRO KNIFE
Stainless steel, highly polished and balanced for accuracy.
#1356—10½" long, silver. **$1.95**

SURVIVAL KNIFE

NEW

6" knife with heat treated blade and sawtooth backedge. A liquid filled compass conceals a survival kit of matches, fishing hooks, sinkers, wire saw, nylon line, needles and sharpening stone. The black sheath has a belt loop and leg ties. #1355

$14.95

Survival kit *(without knife)* #1339—$3.50

NINJA SHUKO HAND CLAWS
All steel, black finish.
#1823—**$8.95 pr.**

NINJA HOOD
2 piece black Ninja hood easy to put on and take off. #2041
$5.95

NINJA UNIFORM
Black uniform includes jacket, pants, two piece hood, two arm gauntlets. 100% cotton.
$19.95 ea.
#2039—X-Sm (4'6"-5')

$26.95 ea.
#2040—Sm (5'-5'5")
#2041—Med (5'5"-5'10")
#2042—Lg (5'10"-6'3")
(Please send height and weight for correct size.)

NINJA TABI BOOTS
Long style, black.

Size	7	8	9	10
Stock	#2057	#2058	#2060	2062
Size	11	12	13	
Stock	#2064	#2066	2068	

$19.95 pr.

TABI SOCKS
Black nylon.
(one size fits all)
#2020—**$1.95 pr.**

NINJA ASHIKO FOOT BANDS
All steel, black finish.
(Boot not included)
#1824—**$6.95 pr.**

HEADBANDS
100% cotton tie on headbands with red and black design.
#8189 **$2.50**

NINJA KEYCHAIN
Made of black finished steel. Measures 5½" long.
#1962—**$1.95**

1985 AMMA, INC.

USE OUR ORDER FORM ON PAGE 67

NATIONAL EYE TRAUMA SYSTEM

National Director
LEONARD M. PARVER, M.D.
SUITE 607
1145 19th STREET, N.W.
WASHINGTON, DC 20036
(202) 833-1668

Chairman
National Medical Advisory Board
RONALD G. MICHELS, M.D.
MAUMENEE 127
THE JOHNS HOPKINS HOSPITAL
600 N. WOLFE ST.
BALTIMORE, MD 21205
(301) 955-5106

October 14, 1985

Senator Edward M. Kennedy
Committee on the Judiciary
United States Senate
SR 113
Washington, D.C. 20510

Dear Senator Kennedy:

I would like to take this opportunity, on behalf of the National Eye Trauma System, to applaud your efforts and the efforts of Senator Thurmond, Chairman of the Judiciary Committee, in holding hearings on the easy access through the mails of cheap and dangerous martial arts weapons.

The National Eye Trauma System consists of over twenty-five Regional Eye Trauma Centers. Speaking as Director of the National Eye Trauma System, I can report our concern about what we feel to be the potential for increasing numbers of severe eye injuries caused by the inappropriate use of martial arts devices. It is especially worrisome to us that these types of injuries occur in children who have easy access to martial arts devices through the mails.

The single best way to treat severe eye injuries is to prevent them. I sincerely encourage the Judiciary Committee to explore means of limiting access through the mails of martial arts devices.

Sincerely,

Leonard M. Parver, M.D.

LMP/dmb

Founded 1908

PREVENT BLINDNESS.

National Society to Prevent Blindness

79 Madison Avenue, New York, NY 10016-7896 212/684-3505

October 14, 1985

Senator Edward M. Kennedy
% Nick Allard
113 Russet Street
Washington, DC 20510

Dear Senator Kennedy:

The National Society to Prevent Blindness would like to applaud the efforts of Senate Judiciary Chairman Strom Thurmond and you as former Chairman for conducting hearings on the mail order sale of dangerous marshall arts weapons.

For years the National Society has singled out "toy" weapons and projectile objects as especially dangerous among the various categories of toys proven hazardous to the eyes of young people. We believe Senate Bill 1363 addresses our urgent concern for preventing blindness and saving sight.

After reviewing a recent childrens magazine containing a mailorder advertisement for nunchucks, fighting chains and throwing stars, it is apparent that these items are not toys by definition or function, but rather are low cost extremely dangerous objects that will cause unnecesary eye injuries, vision impairment and blindness.

We are encouraged by steps taken in some states such as your own state of Massachusetts and the States of California and New York who consider these objects so dangerous that they have passed laws restricting their sale.

Unfortunately, I believe the throwing star poses the greatest threat to eyesight, because it contains three (3) to nine (9) razor sharp points and is capable of being thrown. Unfortunately, this device was demonstrated and highlighted in recent Bruce Lee and James Bond movies as a wonderfully successful weapon. Therefore, we must assume that youngsters after viewing this movie will be encouraged to purchase and use these instruments/weapons with the reality that children will ultimately throw them at each other. The results will be a significant increase in the number of marshall arts injuries over the 1984 Neiss statistics of 113.

OFFICERS
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Executive Director
Michael L. Weamer

It would appear that the nunchuck, throwing star and fighting chains have a potential for injury so apparent that the usual reasons for product condenmation, such as mislabeling or defective design or construction are not the issue.... The Hazard is built into the function of the so called "toy". Although the National Society to Prevent Blindness's prime mission is to save sight & prevent blindness, it is necessary to point out that these weapons may also cause serious injury to other parts of the body, in addition to the eyes.

The National Society to Prevent Blindness, which is the oldest voluntary health agency nationally engaged in preventing blindness through community service programs public and professional education, and research, urges the Senate to take prompt and affirmative action to ban the sale and distribution of these marshall arts weapons.

Sincerely,

Edward H. Hall

Edward H. Hall
Director of Eye Safety

EHH/cl

cc: Mr. C. A. Morehouse, Ph.D., Co-chairman, Sports Eye Safety Committee, Program Coordinator. Sports Research Institute, Pennsylvania State University, University Park, PA 16802

Paul F. Vinger, M.D., Co-chairman, Sports Eye Safety Committee, Emerson Hospital, John Cuming Building, Concord, MA 01742

57-156 O - 86 - 2

Massachusetts Police Chiefs Supporting S. 1363

TOWN	CHIEF
Adams	Bruce A. McLaren
Agawam	Stanley J. Chmielewski
Alford	Gustav J. Berkel, Jr.
Amherst	Donald M. Maia
Athol	Robert H. Jillson
Attleboro	Roland D. Sabourin
Boston	Francis M. Roache
Brewster	James R. Ehrhart
Cambridge	Anthony G. Paolillo
Chelmsford	Raymond P. McKeon
Dalton	Richard A. Nicholas
Essex	James E. Platt
Fall River	Ronald J. Andrade
Falmouth	Paulino P. Rodriques
Franklin	Lawrence P. Benedetto
Harwich	Norman A. Fennell
Hopedale	Raymond J. Gaffney, Jr.
Hudson	John J. Downing
Lexington	Paul E. Furdon
Lynn	Thomas F. Fay, Jr.
Malden	James M. Keohane
Manchester	Ronald W. Ramos
Marblehead	John B. Palmer
Marshfield	William P. Sullivan

Medfield	William H. Mann
Millville	Philip M. Walsh
Milford	Vincent W. Liberto
Newton	William F. Quinn
Norwood	George J. Diblasi
Northborough	Kenneth G. Hutchins
Norton	Stanley J. Walasavage
Quincy	Francis X. Finn
Reading	Edward W. Marchand
Rowley	Kevin Barry
Salisbury & Salisbury Beach	Edwin J. Oliveira
Southborough	William Baker
Stoneham	Eugene M. Passaro
Stow	Charles C. Mayo
Swampscott	Peter J. Cassidy
Townsend	William E. May
Waltham	John F. Rooney, Jr.
Wellfleet	Richard J. O'Hara
Westwood	Francis Abbate
Weymouth	Thomas J. Higgins
Worcester	Thomas L. Leahy
TOTAL:	45

LETTERS IN COMMITTEE FILES

Senator SIMON. Going through the testimony that has been prepared by witnesses that are still going to be testifying, I note that one of the witnesses, Mr. Michael James, the publisher of Rainbow Publications, says:

> My major concern is the misconception of these items as lethal weapons. They are primarily sport items, now being used in competition in every State.

These things that you see in front of you and that you have been referring to, are these sport items used in competition anywhere in Massachusetts or any other State that you know of?

Mr. CARTER. To the contrary, Mr. Simon. Let me state for the record that we have numerous officers in the department who are martial arts experts—they have high degrees in the black belt—and I have queried each and every officer and they state that none of these weapons have a place in their particular academy of instruction, and they find no useful purpose for them; they are not part of this sport per se.

Senator SIMON. You would agree with that sergeant?

Sergeant CARR. Positively, sir.

Senator SIMON. The chief sponsor of the legislation is here, Senator Kennedy. We just happen to have a couple of Massachusetts witnesses here.

Senator KENNEDY. Thank you very much, Mr. Chairman.

I would like to put my full statement in the record.

I have had the opportunity of reviewing both of the statements of the distinguished law enforcement officials, who serve with very considerable distinction in the city of Boston. And I would like to ask if they would be good enough to elaborate on their own reason why they believe that a State like Massachusetts took the steps that it did in terms of trying to deal with this issue.

I think we are going to be asked, as we see this legislation make its way through both this committee and then on the floor of the Senate—and hopefully, that will be done expeditiously—how much of a problem is there. And we have seen the actions that have been taken by the States. I think certainly, Senator Simon and I and the chairman of this committee have been convinced that there is a problem, one that has really developed quite recently. Some States, many States, have been aware of this particular problem. I doubt very much that anybody could come down and review those particular items before us today, review the magazines, which I had an opportunity to do this past weekend, and see page after page of advertisements, and see the promotion for these particular devices which can maim, blind, wound individuals, how they could possibly question that we should not provide the kind of relief to the States they need to enforce local restrictions on these weapons. The existing loophole in Federal mail law needs to be closed, otherwise States will be virtually undermined.

So I would just be interested in what comments you might have to make about why this was at least important enough to Massachusetts to take the action that it took, and other States have taken in varying degrees as well. The various States that have taken action have taken it in different ways. There is really no model law as we find in other areas of public policy, where the States take similar actions. But that may be evidence that this is a

genuine, widespread problem that each State individually is responding to in its own way.

But perhaps you would comment on this, if you have not. I know you refer to it in your testimony.

Then, the second point that I would like to have you comment on is your knowledge, impression, firsthand information about the proliferation of these weapons among children. I think this is a very important aspect of what we are concerned about. Certainly, if you read through these magazines, and I am sure you have, the very central thrust of this is the appeal to young people, young children. And we have materials, and we will hear from other witnesses on that particular point. But I think to the extent we can hear from those who have been following this issue, that you could help us on those two items, and I would be grateful.

Mr. CARTER. Well, if I may again state for the record, Senator Kennedy, in response to your question about youth and their possession of these weapons, police officers in Boston on a regular basis confiscate these weapons from children who are ignorant of our State laws.

Senator KENNEDY. What sort of ages are you talking about?

Mr. CARTER. It is more prevalent among the junior high and high school students. The high schoolers know it is illegal; however, it is still an easy form of concealable type of weapon. Most commonly, we would find it in the gang fights in the city of Boston. Usually, when the police come on the scene, everyone scatters, and you find these types of weapons strewn about an area.

I would also like to add that of the 3,000 or so arrests for dangerous weapons that Sergeant Carr alluded to, that a majority of those weapons are martial arts-type weapons, be they shurikens, the nunchakus, or the manrikigusari, or the chain with the weighted ends. It is very commonplace, and a lot of times when an arrest is made, we query the person as to where they got that particular weapon and their response is that they got it through the mail, through some type of military magazine, karate magazines, as depicted to my left here.

Senator KENNEDY. Sergeant.

Sergeant CARR. In my experience—and I have worked in all sections of the city of Boston—if I saw a person walk down the street with any type of these weapons, naturally, I have the right of arrest because it is a felony. But beyond that fact, you know the person is up to absolutely no good. He has no good intentions in his mind in having one of these things on his person and displaying it. We find them prevalent sometimes with people that work in areas of adult entertainment—people who are doormen and people who try to be enforcers—sometimes, if things get too rough, they will have these hidden somewhere in the back. So we find them both for children and young adults; and we find them very prevalent lately if there is any kind of gang fight.

Most of the time, these weapons come into our being as the second part of an arrest; usually, upon a frisk of the car or the person, we find these.

But in my opinion, I can see absolutely no reason why anybody should have these in their car or any other availability.

Senator KENNEDY. Sergeant, could you give us your impression about the use by younger people, by young teenagers? Is this the group, again, or is it younger? We have had some reports that it goes down even to 9-, 10-, 11-, and 12-year-olds.

Sergeant CARR. I think the young people, since the martial arts movies have come out, have taken an affection toward these types of weapons, and we see them sporadically throughout the city. Most of them are getting hurt with them, displaying them among themselves and not having the proper training; they will hit themselves or cut themselves.

It is certainly not a good example, in my opinion.

Senator KENNEDY. I gather from what you say that you are seeing these weapons outside of the gym, the martial arts facility, or outside legitimate martial arts sports activity; is that what you are telling us?

Sergeant CARR. Yes.

Senator KENNEDY. And that is where your greatest contact comes with them?

Sergeant CARR. Yes.

Senator KENNEDY. Finally, can you give us some kind of evaluation of the increasing contact that law enforcement officials have with these kinds of weapons? Has this been something that you are becoming more and more aware of, or access to, or you are finding increasing incidence of these types of weapons?

Sergeant CARR. There is nothing on that table, Senator, that I have not seen in my police career. Every station in the city of Boston has an evidence room, and all types of those weapons are in there, on display. They are constantly coming in. They are nothing new to us. We see them constantly in the police business.

Senator KENNEDY. But the point I am trying to get at is, is there an increasing use of these types of weapons? Is it your perception that there is an increase in their use in Boston?

Sergeant CARR. Yes. Our intelligence division as recently as yesterday has stated to us that they have seen the nunchakus and shurikens on the increase in the city of Boston.

Senator KENNEDY. And is that your impression, too, Superintendent Carter?

Mr. CARTER. Yes, it is, Senator—especially the throwing stars. Now they are manufacturing them as belt buckles so they are somewhat concealable; they are easily detached and able to be thrown, like within seconds. They are seeing an increase in that, and also of the studded instruments. It is also a form of fashion among some of the teenagers to be wearing some of these instruments to parties or sporting events, and what-have-you.

Senator KENNEDY. I want to thank you. Let me just ask finally, from your own contact with the law enforcement officials in other areas of the country, have you gathered at least an impression that they have similar concerns that you do about these particular weapons?

Mr. CARTER. Senator Kennedy, it is unequivocal among the chiefs in Massachusetts; they are in total agreement that these weapons should be banned from the U.S. mail, as proposed in the legisiation, and other chiefs in other sections of this country that I have a

regular rapport with are in total agreement with the proposed legislation, yes.

Senator KENNEDY. Good. I will enter the letters we have received from police chiefs in the record.

And Sergeant Carr?

Sergeant CARR. We have in our academy a couple of martial arts experts, and they as recently as yesterday told me how they deplore the widespread availability of this type of material. They just wanted me to even mention it here today, that there is no place for them even in the martial arts.

Senator KENNEDY. Let me ask one more question. As you talk, there are more and more things you want to find out about it. I imagine there can be some concern about the safety and the security of the police official, the law enforcement officer, as well. As I understand, some of the stars can even tear armor-piercing vests. We have spent some time on questions of the killer bullets and other weapons here in this committee, and we have been trying to make some progress in some of these areas in terms of looking after the security of law enforcement personnel. Would you say that this is also an aspect for our consideration, about the potential danger, or the real danger, to law enforcement personnel who are trying to provide security in the communities and the neighborhoods, that there should be these kinds of weapons and activities which pose either a real danger today or a potential danger in the future if their rate increases?

Mr. CARTER. Yes, Senator Kennedy, they definitely pose extreme danger to the law enforcement community. But if I may reiterate, as I stated in my testimony, not only are these weapons available, but anatomical charts along with books that show clearly how one is to use these weapons to maim, mutilate, and/or kill an individual, the areas of the body that are most vulnerable to attack by these types of weapons are available and are usually bought in conjunction for the novice who buys them, who does not have the luxury of all the video movies that are out there, or has the money to go to "Rambo" or whatever; they hear about it, and they buy these weapons, along with these periodicals and instruction manuals on how to cause bodily harm and/or death to someone.

Senator KENNEDY. And the final thing I imagine you want to let us know about is that without this legislation, given the fact that the greatest amount of this kind of equipment comes through the mail, that even our State of Massachusetts and the other States that have passed other legislation are really not able to deal with this kind of danger to young people and to law enforcement personnel and to the people that live in these communities.

Am I correct in that?

Mr. CARTER. You are more than correct, sir, yes.

Senator KENNEDY. Thank you.

Senator SIMON. We thank you very much for your testimony.

Senator KENNEDY. Our next panel is Dr. Thomas Nardi, who is a psychologist from New York and Larry Kelley, from the Karate Health Fitness Center in Amherst, MA, if they would come forward, please.

STATEMENT OF A PANEL INCLUDING DR. THOMAS J. NARDI, PSYCHOLOGIST, NANUET, NY, AND LARRY J. KELLEY, KARATE HEALTH FITNESS CENTER, AMHERST, MA

Senator KENNEDY. Dr. Nardi, do you want to start off?

Dr. NARDI. Yes, Senator. I will start by reading a prepared statement.

I have reviewed the issues raised in the proposed bill, S. 1363, from several rather unique perspectives.

Senator KENNEDY. I would say I have had the chance to read it. It is very good testimony. You have worked out your whole background and your training and your involvement with this whole experience and talk about your own son, I believe, who is 9 years old.

Dr. NARDI. Yes.

Senator KENNEDY. So we would like to put that in the record, and then if you could just summarize it, because we want to hear from you, but I would like to just have the summation. We will put all the statements in of all the witnesses. They are all expert witnesses.

As I said, I have had the chance—I was late for the hearing, but I did have the opportunity while I was delayed on the runway and later on the plane to get through all of the testimony, except that which had not been submitted.

So maybe you could just summarize why you believe that this kind of legislation is important.

Dr. NARDI. I believe it is important for several reasons. As I mentioned in the testimony, which I will just summarize very briefly, I am a licensed psychologist, and I work a great deal with children and their families. I am also the author of several books on the martial arts, and I write a number of columns on the martial arts.

My feeling is that there has been a resurgence of movie violence, comparable to what was popular in the fifties with the so-called Blackboard Jungle types of films.

Some of the Ninja films today, however, create confusion for youngsters. In the films of the fifties, it was clear that the villains, the bad people, the bad guys, were the ones who were using the switchblade knives. Today, there has been a dissolution of those boundaries. Youngsters are sometimes confused because in these films, both the hero and the villain fling the stars, use the nunchaku weapon. I think that creates some confusion for children as far as role models. I also believe the films tend to be directed toward children in that the exploits of the characters are somewhat unbelievable, very much like the superhero type of character.

Along with that, Senator, I would like to point out that the martial arts weapons that we are speaking about are available not just through martial arts magazines, but also very readily available through comic books, other types of magazines, superhero types of characters. The ads are there, they are directed toward children, and these weapons are available.

As you made reference to, my 9-year-old son, who is in the fourth grade, last week or so came home from school, mentioning that one of the boys in his class had one of these stars. Most of the children, I feel, do not realize that these things are indeed weapons. They

tend to view them as toys. Some of the throwing stars actually have holes in them, so they can be worn as necklaces, as jewelry apparel.

So my concern is that the youngsters are being exposed to this type of advertising, they are available; the children tend to emulate the exploits of the characters they see on TV, the powerful figures, and to identify with those types of people, so I think it is definitely having a detrimental effect on the youngsters.

Thank you.

Senator KENNEDY. Thank you, Dr. Nardi.

[The prepared statement follows:]

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I have viewed the issues raised in the proposed bill S.1363 (to prohibit the use of the mails to send dangerous martial arts weapons) from several rather unique perspectives, including that of being a psychologist who is also a martial arts practitioner and writer.

My professional background is one of involvement with children, adolescents and their families. I am certified as an elementary school teacher. I have worked as a special education teacher with learning disabled and emotionally disturbed children. I have worked as a psychologist in both a state psychiatric hospital and a private social service agency. In both situations I primarily worked with youngsters and their families.

My academic training includes a Master's degree in school psychology and a doctorate in professional child psychology. I am now licensed as a psychologist in New York and New Jersey; I am also certified by the National Register of Health Service Providers in Psychology.

Currently I teach college and graduate level courses on an adjunct basis for two universities in New York. My primary work, however, is the private practice of counseling and psychotherapy for children, adolescents and families, as well as for individuals.

The other vantage point from which I view the proposed bill is that of a martial arts practitioner. I have been involved with various martial arts since I was a teenager and have achieved black belt rank. Although I still train in several different martial arts, I have devoted increasing time to writing and research in this area. My first book on the martial arts entitled <u>The Mind in the Martial Arts</u> was published in 1980. Since then I have had two other books on the martial arts published. My most recent book,

directed towards children, was entitled Karate Basics. The book was part of a series of children's books on various sports. It reflects my attitude, based on personal clinical experience, that legitimate martial arts offer a great many physical and psychological benefits to children.

I am also the author of many articles on the martial arts. In addition I write columns for two martial arts magazines.

I believe my training and experience in psychology and the martial arts qualify me to voice an informed opinion on the matter of the proposed bill. But I also believe there is a third perspective from which I can state an opinion -- that of the parent of a nine year old boy.

It is rather ironic that just last week my son Tommy returned home from school with a rather interesting report. One boy in his fourth grade class reportedly was showing off his "chinese star" that he had purchased from another child. The boy was careful not to allow any teachers to see the star.

In my private practice I have been asked by parents whether their child's stars were dangerous. When I answer that the stars are indeed very dangerous and in fact illegal in many states the parents often explain sheepishly that the stars do not "look dangerous" but rather look like toys. Perhaps this is one of the reasons why the stars elicit more concern from me than do the other weapons in question. This is not to imply that we should ignore the potential dangers of the other two weapons. The stars, however, are relatively small and light weight. They can easily be carried concealed upon the person. They are also relatively inexpensive, usually costing less that the price of a can of soda and a hamburger -- a price most children can afford.

Regardless of their price, all the weapons in question are readily available to children through mail order supply houses. Youngsters often buy these weapons and then give or sell them to their friends.

The stars have become part of the ninja fad that has caught the imagination of many youngsters. There have been comparisons made between the impact of certain movies in the 1950's and the popularity of the switchblade knife among the teenage gangs of that time, and, the ninja movies and the appeal of the martial arts weapons under discussion today. I acknowledge the similarities. Indeed, the impact of movie violence upon the behavior of children has been a concern to educators and parents for many years.

There is, however, an important difference between the Blackboard Jungle genre of films and the current ninja-type of movies. In the Blackboard Jungle films, the switchblades were the weapons of the street hoods. The "bad guys" used them, not the "good guys". In the ninja films we have a dissolution of that boundary. It is both the hero and villain who fling the stars and flail away with the nunchaku and manrikigusari chain. The children do not receive a message of the weapons being associated with evil doers; instead the weapons are readily wielded even by those ostensibly on the side of right. This, I feel, can lead to confusion for the young viewers. Included with this confusion is the implicit message that it is okay to use these weapons.

Another distinction I would suggest is between the kind of violence portrayed in the two types of films. The gang films of the fifties depicted, I believe, the ugliness of violence. Today, by contrast, I feel some films glorify the violence by transforming it with a make-believe almost cartoon-like quality. The exaggerated prowess of the hero often includes implementation of martial arts weapons in a manner which most adults would find almost nonsensical. Children, however, might be impressed and attracted to such films. Indeed, I feel that the films are directed towards children, children who might have trouble distinguishing between fantasy and reality. The fantasy portrayed is the glamorized use of these weapons, the reality is their potential for serious harm.

In the December 1984 issue of Black Belt magazine there was an article devoted to what was referred to as Ninjamania. Some of my feelings were expressed in the article:

> Nardi's deepest concern is for children, whom he said are most affected by the martial arts violence depicted in many movies and television shows. "I think what happens with a lot of these shows, the violence becomes make believe. People don't realize this is serious," he noted.
>
> "Punching somebody is one thing, kicking somebody is one thing, but throw one of these stars in their face and we're talking permanent injury."

Let me reiterate that I have no argument with children participating in legitimate martial arts training under the supervision of qualified instructors. My complaint is that the easy accessibility of the weapons through the mails contributes to their unsupervised use by children who unfortunately either do not recognize the dangerous potential for serious injury or who will in an expression of anger or frustration cause permanent injury to another child.

I would like to conclude by sharing something from my own life. I grew up in the so-called mean streets of the Bronx in New York City. As an adolescent I felt a lack of stimulating and meaningful activity. My friends and I had no playgrounds or parks, only the street corners. Then one day a martial arts school opened a few blocks from my home. The school was located in an old building, over a bar.

Boredom and curiosity led me to venture up the rickety stairs to that school. There I entered another world, one which taught a way of uniting the mind, body and spirit. The school became my escape from the streets. I learned how to protect myself but, more importantly, I learned the self discipline and self respect that encouraged me to value protecting myself. It taught me a philosophy of balance which has seen me through the challenges of adolescence, college and graduate school; a philosophy that even today influences my practice of psychotherapy.

The martial arts taught me respect for myself and for others. It taught when to be hard and firm and when to be flexible and yielding. It taught when to be silent and when to talk.

This is why I am here today, to speak out for what I believe. I believe in the value of the martial arts, I also believe in the value of children. I would hope that all children could have the opportunity to benefit from the martial arts. And, I hope and pray, that none have to suffer harm or injury from the careless, malicious, or unthinking use of any martial arts weapon.

Senator KENNEDY. We will hear from Larry Kelley now, and then come back to the questions.

Mr. Kelley.

STATEMENT OF LARRY J. KELLEY

Mr. KELLEY. Thank you, Senator, and most of all, thank you for cosponsoring this bill. I personally believe it is the salvation of martial arts.

I guess I will start off with an anecdote, since you have been hammering away at age factors and children. I first became aware of this problem—I run the Karate Health Fitness Center, which is the largest school in western Massachusetts, and we have a very, very high percentage of children attending our school——

Senator KENNEDY. I want to commend you, because you have been a real leader, and you have been enormously helpful in terms of my own understanding it, and we are grateful to you, personally.

Mr. KELLEY. Thank you, Senator. I think that this hearing is definitely going to be the high point of this campaign.

Again, I became aware of this because I am very, very much concerned about the image and have always been very concerned about the image of the martial arts, and I think I have always carried myself very, very professionally because I know that what I do reflects of my industry. And I am very proud of what we have accomplished in 4 years, doing business in Amherst, MA. As I said, a very high percentage of our students are children.

About a year ago, I found out from a 7-year-old child that his best friend was bringing a throwing star into school. At that point, I started to query a lot of my other youngster students, and all of them came back with:

Well, gee, Larry, where have you been? This is the newest thing. All the kids bring these things into school.

And I asked them why, and maybe you would want to get back to Dr. Nardi on that, since that is his field, but my observation is that it is just "cool"—it is kind of a nice thing to have to show off to your girlfriend, to show off to whomever.

But my point is that when you have a deadly weapon in your pocket, for whatever reason it happens to be there, and you bump

into someone, you scuffle, you get angry, and you have that easy access, and it is right there—problems are going to arise.

Again, that gets me back to what everyone has said who has come up here—the easy access of the weapons. You cut out an ad, you mail a money order, and the U.S. Postal Service delivers it. And I have never yet seen a mailman check an ID.

Just to give you an example, when I first started this campaign—and I have been dealing with this for a year—I got this weapon about 7 or 8 months ago for $6. For another $2 I could have gotten it teflon-coated so it would penetrate a bulletproof vest which I think is a serious threat to police officers. When I first opened this, my jaw dropped. I said, "Mother of God, look at this." And I showed it to one of my 15-year-olds who has been reporting all of the activity in the high schools, and his jaw did not drop.

The first thing he said to me was, he looked at it, shrugged his shoulders and said, "Oh, I have seen those in school."

I am talking Massachusetts here. I am talking Amherst, MA, which is an upper middle class, wonderful community. And I thought to myself, my God, if this is going on in Amherst, MA, what is going on in Roxbury, what is going on in New York City, what is going on in the north end of Hartford?

That was when I started making phone calls to all of my contacts throughout the Nation, because I have been nationally ranked in sport karate for 4 years by Karate Illustrated and Black Belt magazines—the magazines that now push all of this material. In fact, I used to write for them until I started this anti-weapons campaign.

As a martial artist, I think these weapons are an excuse. I think they are a crutch. You do not want to work out, you do not want to sweat, you do not want to throw kicks against the bag and suffer a little bit to acquire karate abilities, so you just order this stuff, and some bozo ships it to you, and all of a sudden, you think you are a martial artist.

And then what happens when you go out and chop somebody up—because the media, again, they are always trying to get out the hot copy, and keep the writing at the fifth grade level, so they will not talk about Ninjutsu, they will not talk about the specifics of the situation; they will just say "Karate Kid Goes Berserk and Kills Parents," or whatever. And Newsweek magazine did that. In the June 24 issue, they talked about a Ninjutsu murder that occurred in San Francisco, and they talked about the horrendous thing that this person did, probably with these types of weapons, and they did not use the word "Ninjutsu"; they used the word "karate".

So there is absolutely some self-interest involved here, Senator Kennedy. I am here to protect my industry. I am here to protect the image of my karate school in Massachusetts. I am here to protect the kids of my State.

And I just do not like the idea that this junk is freely available to 7-, 8-, 9-, 10-, 11-year-old kids, as well as some people who are mentally unbalanced, or people who are criminals or street gang members or whatever, and can go out and use it against innocent civilians and use it against a police officer. And it is all getting done in the name of martial arts.

Thank you.

[Statement follows:]

STATEMENT OF LARRY J. KELLEY

AMHERST, MASSACHUSETTS

THANK YOU MR. CHAIRMAN. I APPRECIATE THE INVITATION OF SENATOR KENNEDY AND SENATOR THURMOND TO APPEAR BEFORE THIS COMMITTEE AND TESTIFY ABOUT THE URGENT NEED FOR S.1363, A BILL TO BAN MAIL-ORDER SALES OF DANGEROUS MARTIAL ARTS WEAPONS.

I SUPPOSE THAT I'VE BEEN INVITED TO TESTIFY BECAUSE I HAVE BEEN ACTIVELY PUSHING THIS KIND OF LEGISLATION AND I HAVE BEEN MOST VISIBLE AS AN ADVOCATE FOR HALTING THE MARKETING OF MAIL-ORDER MAYHEM, BUT LET ME SAY, I AM NOT ALONE IN THIS CAUSE. I AM HARDLY THE FIRST. I HAD NOTHING TO DO WITH THE 12 STATES THAT HAVE ALREADY PASSED STRICT LAWS PROHIBITING MARTIAL ARTS WEAPONS, AND SOME OF THOSE STATES LIKE MASSACHUSETTS AND CALIFORNIA ENACTED THIER LAWS LONG BEFORE ANYONE EVER HEARD OF LARRY KELLEY. BOTH OF THE STATES PASSED LAWS AFTER POLICE OFFICERS WERE ATTACKED WITH WEAPONS THAT GIVE CRIMINALS A DECIDED ADVANTAGE.

LET ME BRIEFLY SUMMARIZE MY QUALIFICATIONS ON TESTIFYING FOR THE NEED TO STOP UNSCRUPULOUS COMPANIES FROM PEDDLING FOR PROFIT, LETHAL MARTIAL ARTS WEAPONS TO KIDS.

I HAVE BEEN IMMERSED IN THE MARITAL ARTS FOR 13 YEARS; AND I'VE WORN THE COVETED BLACK BELT FOR 11 YEARS OF THOSE YEARS. I WAS RANKED #1 NEW ENGLAND BY KARATE ILLUSTRATED FOR SPORT KARATE FROM 1977-1982. ON FOUR OCCASIONS I WAS NATIONALLY RANKED IN THE TOP TEN BY KARATE ILLUSTRATED AND BLACK BELT MAGAZINE. IN 1980, I WAS VOTED BEST KICKER IN THE SPORT BY SPORT KARATE MAGAZINE.

I HAVE OWNED AND OPERATED THE KARATE HEALTH FITNESS CENTER -- THE LARGEST KARATE SCHOOL IN WESTERN MASSACHUSETTS FOR FOUR YEARS.

BUT ENOUGH ABOUT MY QUALIFICATIONS; I'D RATHER SPEND THIS VALUABLE TIME BRIEFLY DISCUSSING THE MERITS OF THE KENNEDY-THURMOND BILL.

HOW DID I GET INVOLVED IN THIS ISSUE.

A LITTLE OVER A YEAR AGO I BECAME AWARE -- THROUGH A SEVEN-YEAR-OLD STUDENT OF MINE -- THAT ILLEGAL MARTIAL ARTS WEAPONS WERE TURNING UP IN THE SCHOOL SYSTEM OF AMHERST -- MY HOMETOWN.

AS SOMEONE WHO EXPERIENCED A MEDIA INDUCED MANIA FOR MARTIAL ARTS DURING THE BRUCE LEE ERA (1973-1975), I REALIZED THAT THE FOCUS OF THIS NEW TREND -- WEAPONS -- COMBINED WITH THE EASY AVAILABILITY OF THOSE WEAPONS, WOULD LEAD TO A TRAGEDY FOREVER BLEMISHING THE IMAGE OF THE MARTIAL ARTS.

AND WHEN I LEARNED FROM ASSISTANT POSTMASTER-GENERAL JOHNSTONE THAT MASSACHUSETTS STATE LAW COULD LEGALLY BE CIRCUMVENTED BY USE OF THE MAIL, I KNEW IT WAS TIME TO ACT.

THE ONE TIME GUARDIAN -- OR WATCHDOG -- OF THE INDUSTRY, BLACK BELT MAGAZINE, HAD SOLD-OUT THE MARTIAL ARTS: ADVERTISING REVENUE TOOK PRECEDENT OVER GOOD JOURNALISM. AND MANY OTHER MAGAZINES FOLLOWING SUIT RANGING FROM SUPERMAN COMICS TO BOY'S LIFE. THE WEAPONS INDUSTRY AND ITS ADVISERS HAD THE AUDACITY TO EDITORIALIZE AGAINST THE KENNEDY-THURMOND BILL BY INVOKING THE SECOND AMENDMENT. I FIND IT HARD TO BELIEVE OUR FOUNDING FATHERS WOULD APPROVE OF NINE-YEAR-OLD CHILDREN ACQUIRING DEADLY WEAPONS UNDER THE GUISE OF "CONSTITUTIONAL RIGHTS." IN THE WORDS OF THE OCTOBER 14 NEW YORK DAILY NEWS. "THAT'S RIDICULOUS."

I ASK THIS COMMITTEE: WHY -- AS THE HOLIDAY SEASON APPROACHES -- DO WE SHOW SO MUCH CONCERN OVER TOYS THAT MAY PUNCTURE EYES, OR EVEN KILL, WHEN USED IMPROPERLY. WHILE THE NUNKAKUS, STARS, AND CHAINS THAT FLOOD INTO MASSACHUSETTS ARE MARKETED AS WEAPONS.

IF WE REGULATE UNSAFE TOYS, WHY NOT REGULATE DEADLY WEAPONS PUT IN THE HANDS OF KIDS BY MAIL ORDER PROFITEERS.

GUNS CANNOT BE SHIPPED TO ANYONE BY MAIL. AND WHAT AN EXPENSIVE PRICE WE PAID TO LEARN THAT LESSON.

FIREWORKS CANNOT BE SHIPPED FROM A LEGAL STATE INTO AN ILLEGAL STATE.

SO WHY ALLOW UNSCRUPULOUS ARMS DEALERS TO VIOLATE STATE LAW AND SHIP DEADLY WEAPONS TO ANYONE WHO CUTS OUT AN AD AND MAILS A MONEY ORDER. ANY CHILD, ANY SELF PROCLAIMED EXPERT, ANY THUG.

AND IT'S NOT JUST HOLLYWOOD AND THE MARTIAL ARTS INDUSTRY THAT'S PUSHING THE NINJA GLAMOUR MYSTIQUE: KAWASKI CREATED A NINJA MOTORCYCLE; A FAMOUS SCENT MAKER MARKETS A NINJA PERFUME; G. I. JOE -- THAT ALL AMERICAN DOLL -- HAS A BUDDY NAMED "QUICK KICK", WHO COMES WITH A REMOVABLE NUNCHAKU AND NINJA SWORD.

RIDING THE WAVE OF NINJA MANIA THE COMMERCIAL SUCCESS OF MARTIAL ARTS WEAPONS DEALERS GIVES CAPITALISM A BAD NAME. THEY PREY ON THE PUBLIC'S CURRENT FASCINATION, ESPECIALLY AMONG YOUNG PEOPLE, WITH GLAMORIZED VIOLENCE. WITH A TRIP TO A NEWSTAND AND THE COST OF A .22 CENT STAMP, ANY CHILD, REGARDLESS OF AGE, ANY ADOLESCENT SELF-PROCLAIMED MARTIAL ARTS EXPERT, AND ANY THUG BENT ON VIOLENT CRIME AND INTIMIDATION IS ABLE TO ORDER WHAT THE NEW YORK STATUTE BOOKS DESCRIBE AS AN "UNHOLY ARSENAL."

I ASK THE LEADERS OF THE MARTIAL ARTS, ITS TEACHERS, ITS CHAMPIONS, ITS FANS TO JOIN FORCES WITH US IN ONE FIGHT AGAINST

EXOTIC AND LETHAL WEAPONS THAT ARE GIVING THE SPORT AN UNDESERVED REPUTATION. EVEN THE WORD "KARATE" WHICH MEANS EMPTY HAND CONVEYS THE MESSAGE THAT THE SPORT WILL SURVIVE AND FLOURISH AS IT HAS FOR HUNDREDS OF YEARS WITHOUT MASS DISTRIBUTION OF CHEAP STARS, NUNCHAKUS, AND CHAINS.

THESE WEAPONS ARE NOT TOYS! THEY ARE SPECIFICALLY DESIGNED TO TEAR HUMAN FLESH, BREAK BONES, AND CARVE KIDNEYS.

EVERY MAGAZINE SHOP AND BOOKSTORE IN AMERICA IS PRESENTLY A SHOWROOM FOR THE DISTRIBUTION OF DEADLY WEAPONS. AND IF CHILDREN CAN AFFORD THE MAGAZINES, THEY CAN AFFURD THE WEAPONS.

THE DISTANCE FROM A MAIL ORDER WEAPONS DEALER IN PHILADELPHIA TO A CHILD IN KALAMAZOO, SHRINKS TO A HOP-SKIP-AND-A-JUMP OUT TO THE MAILBOX, AND A QUICK DASH BACK TO THE SANCTUARY OF A BEDROOM.

THE PHILOSOPHY OF THOSE WHO PROFIT BY NINJAMANIA IS BEST SUMMED UP BY LEADING NINJUTSU PRACTITIONER BUD MALMSTROM (BLACK BELT DECEMBER 1984). SAYS BUD: "MONEY WILL MAKE PROSTITUTES OF US ALL. IF YOU'RE GOING TO SELL YOUR SOUL, MAKE SURE YOU'RE GOING TO GET MONEY FOR IT."

AS A LEADING PRACTITIONER OF THE SPORT KARATE -- AND SOMEONE VERY CONCERNED WITH THE IMAGE OF THE MARTIAL ARTS -- ALL I CAN SAY TO THAT IS "SPEAK FOR YOURSELF, BUD."

TO CLOSE ON A MORE OPTIMISTIC NOTE, I WOULD LIKE TO QUOTE A LINE FROM THE LATE JOHN LENNON: "ALL WE ARE SAYING .... IS GIVE PEACE A CHANCE."

PLEASE, STOP THE FOOLISH ARMS BUILD-UP AMONG YOUTH.

THANK YOU AGAIN, MR. CHAIRMAN. I LOOK FORWARD TO YOUR QUESTIONS.

Senator KENNEDY. I think it is important as we are moving through this legislation and talking about the issue—in your background, you are an instructor and a teacher in martial arts, and you draw the very clear distinction, I think, between that kind of training, that kind of discipline, that kind of development in terms of an individual who spends the time learning that particular skill, and the extension of use of these kinds of weapons. I think that is something which I understand, but I think it is important—and you have, I think, expressed it well—but I would like to just get this nailed down in terms of the record, because there will be those who will say that we are just against all kinds of martials arts, that this is the tip of the iceberg, we are going to start off with weapons, then we are going to close down the schools, close down the training.

I would like you just to anticipate that kind of accusation, and if you would, just address it.

Mr. KELLEY. Sure. As the Massachusetts authorities who were here and who spoke so eloquently, as they pointed out, Massachusetts had problems 10 years ago, long before I became an advocate of what we are trying to do right now. I had nothing to do with Massachusetts State law 10 years ago, passing ordinances to ban these weapons.

But I can tell you now, as a karate school owner, running a very successful karate school in the western part of the State, that Massachusetts has done nothing to interfere with my karate school or my teaching of open-hand martial arts techniques.

It is interesting—the word "karate" is a Japanese word— by the way—meaning "empty hand," not "hand filled with metal," but "empty hand."

This, by the way, goes for $4.95, holding up nunchaku—and as I said, this goes for $6—(bali-song).

Massachusetts also, as you know, has a bottle bill. You get a nickel deposit back on a bottle. And I would ask you, how long would it take a kid on a weekend to go out and collect about 100 bottles, which is all you would need to get these weapons.

It is also interesting that Japan—I think when you say the word "Japan," one of the first things an American thinks of is the word "karate," or you see a Japanese person walking down the street and figure: "Oh, I am not going to mess with him; he probably knows karate." Japan has an uncountable number of karate schools. These weapons are strictly—strictly—banned in Japan. The Sword and Gun Act of Japan—which is probably why Japan has a homicide rate one-two-hundredth that of the United States—these things are strictly banned. You cannot even have them in your house under glass for display—the throwing stars, the Ninja swords, the balisongs, et cetera. They are strictly banned. And as I said, Japan today probably has more karate schools per capita than the United States does.

So I think that that is just absolute foolishness, and nothing to worry about. As a martial artist and someone who is very concerned about the industry of running karate schools as a legitimate instruction, I personally have no fear whatsoever that the Federal Government will go any further than this vital, necessary legislation.

Senator KENNEDY. Do you want to just explain about the nunchaku, to the extent that it is dangerous?

Mr. KELLEY. Would you mind?

Senator KENNEDY. Sure, get up and show us.

I do not see a volunteer Senator for you to demonstrate with—if there are any Republicans in the room. [Laughter.]

Mr. KELLEY. These (demonstrating) can attain speeds of 100 miles per hour. So if you catch one of these in the side of the head—which I will probably be doing in 1 second for you—and the thing is, if you are standing there like this, and a police officer walks up and sees you from this perspective, all he sees is about a 12-inch club. So the officer figures, "Well: I'm safe as long as I am 24 inches away, because that is only a 12-inch club"—and then, bang.

And for television purposes, since the media likes bang, bang so much, we used to blow up coconuts back in Massachusetts when we had the local TV there—and I do mean blew them up; when we hit those coconuts—boom—it looked like I had put a hand grenade in there, and it just went in a 1,000 different pieces.

You can also use them as a nutcracker device. You sneak up behind somebody and wrap it around their neck this way, and snap the neck. I mean, figure what a nutcracker will do. Did you ever try and break a nut with your hand? You cannot do it. But you take a little nutcracker, and you break it very easily.

Well, figure these as being a nutcracker, and increase it by a factor of six or seven, and your upper vertebra is gone. It is very dangerous.

Senator KENNEDY. Well, they will say—you are trained in it, you know how to use it, and obviously in your hands, it would be considered a dangerous weapon. But what about a child who does not know a lot about it? Is it any more dangerous than playing with a bat, or whatever, anything else?

Mr. KELLEY. I think maybe that was a question you should have asked the police officers when they were up here.

One of the magazines that I have that is going to be entered into the Congressional Record—which, by the way—has very little advertising for this material, so that is why I think they have the guts to print articles like that—one of the police officers in Colorado who has come into contact with these things extensively has been quoted as saying he has seen children with no martial arts training whatsoever who could spin these things, who could make Bruce Lee look bad with their nunchakus.

And really, to tell you the truth, Senator, I have only had about 10 hours' worth of training with these over a 12-, 14-year period. When I was 17 years old, I thought these were cool, too, because as I said, you get them spinning, and there is just something very, very attractive about them. But it does not take that much skill at all.

Some of the other weapons that I have no problems with, some of the other traditional weapons—and the quick way to differentiate between traditional and this garbage is the metal and wood. This is one of the few things that I think is a variation of the traditional weapon. A traditional nunchaku is this, right here; it is very, very lightweight—you cannot tell the difference right now—but it is very, very lightweight, and it has a nylon cord.

This one is what I call state-of-the-art. The chains are attached to swivels. Some karate schools tell you take WD-40 and spray it in there, and these babies will move "smooth as silk." But these things are, I think, a modern, updated version—just like the knives. The traditional martial arts knives did not have Teflon coating 200 years ago. Now, they do. And I think it is very, very dangerous.

The manrikis, by the way, are used the same way. I do not even want to swing these, because I will kill myself.

Senator KENNEDY. What about children who say they want to be able to protect themselves, and they want to have this nunchaku so they can protect themselves when they are going to school or whatever?

Mr. KELLEY. Well, to get back to this thing, in some senses, you can say—and this is what really scared me about this particular device, because I remember thinking to myself—well, what if a kid had it and said, "I will just use it as brass knuckles"—which, by the way, they should make this illegal; I do not know why this gets around that Federal law—but you cannot even use it; this can only be used in its locked-out phase. So I think this makes it particularly scarey.

The power behind the nunchaku is devastating. In karate, you use control. I can drop somebody, I can hurt somebody seriously, or I can just touch somebody. In fact, the only time I have ever used karate in my entire career was about 8 years ago on a Friday night, after I had just worked for 3 hours, and some drunk approached me. And he was just going to fight with me, so I whizzed a hook-kick by his face and just said, "Hey, back off." I put a shot across his bow, and the guy said, "See you later," and I said, "Fine." That solved the situation.

But a nunchaku is a weapon. Once you pull it, there is no way you can hit somebody with a nunchaku and only do mild damage. There is a threshold there, and once you cross the threshold, you hurt someone seriously. There is just no way you can use any degree of control with a nunchaku.

Senator KENNEDY. Let me just ask about the stars and how they are used.

Mr. KELLEY. If you can throw a frisbee, you van throw a star. Because of the multipoint design, it takes no skill whatsoever to make them stick.

The oriental Ninjas used to dip them in poison. In fact, there was an article published about 1 month ago by a writer who I am going to contact at some point, and she talked about how they used to dip this in solid excretal waste in order to cause massive infection when it stuck in. I thought it was absurd to put that in a magazine because now all the little kids will be doing that. But basically, they are designed to take out an eye.

And it is interesting that you have a letter from an ophthalmologist, saying that these things can obviously cause serious, serious damage to the eyes.

Also, they were aimed for the carotid artery, to slice the side of your throat, so you would bleed to death.

Senator KENNEDY. I would ask Senator Specter, who is a cosponsor, if he would just say a word.

Senator SPECTER. Thank you, Senator Kennedy.

I would ask leave to interrupt for just 1 or 2 moments. I am sorry that I cannot participate more extensively in this hearing, but I have other commitments, and what I would like to do is to submit questions for the record which have been denominated as questions from me.

I would also like to submit questions for the record on the request from a constituent, William Cannon, Esq., a former candidate for district attorney in the city of Philadelphia, who appears here in opposition to the bill and has made the request that certain questions be submitted to the panel. I have reviewed them and deleted some that I think are not appropriate to ask, but have included others which I do think appropriate to ask.

Senator Kennedy, I want to commend you for your diligent work on this, and I thank you for permitting me to interrupt.

Senator KENNEDY. Very good. Thank you very much, Senator Specter. We look forward to working with you on the legislation.

Dr. Nardi, earlier in your testimony, you talked about the movies and what has happened in terms of the growth in the acceptability among younger people for these kinds of weapons and their utilization. I think that is particularly powerful, with the type of training you have had and the work you have done in terms of children.

As you are aware, some of the stars who have been involved in this have actually spoken out also in deploring the use of these kinds of weapons by children. I imagine you welcome that. I would be interested in what value you would give to the statements, like Steve James, who started in "The American Ninja" and is now filming "Delta Force," and Sho Kosugi, who also put a statement out—we will make those part of the record—but is that valuable, and how valuable is it?

[Information follows:]

PREPARED STATEMENT OF STEVE JAMES, ACTOR [1]

What children see in films is one thing, but to do it without formal training is very dangerous. Martial Arts should be used under formal supervision, and not in the street, or the home, or the school. Martial Arts is not about being a tough guy. It's about staying away from trouble, and learning about inner peace. And the use of Martial Arts equipment without the guidance of a qualified trainer is not something children should attempt.

SHO KOSUGI [2] STATEMENT

While I may not totally agree with all the provisions of this legislation, I am in favor of a ban against hard nanchuku, knives, and shuriken with sharp edges. I am a trained martial arts expert, particularly with Ninja weapons, and am strongly opposed to people without professional instruction using these weapons.

Dr. NARDI. Senator, I believe it is extremely valuable. In Rockland County, NY, where I live, a number of the martial arts people have come out against the weapons and have come out in favor of

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[1] Films include: "American Ninja"; "To Live and Die in L.A."; "Brother From Another Planet"; and soon to be released with Chuck Norris, "Delta Force."

[2] Professional martial artist with 9 black belts (Judo, Karate (2), Aikido, Iaido, Kendo, Shindo Jineniou, Shotokan, Kobudo, Ninjutsu. Star in: "Enter the Ninja," "Revenje of the Ninja," "Ninja III—the Domination," and "9 Deaths of the Ninja."

anti-drug programs. We find that these are people, martial artist people like Mr. Kelley, and the young people admire them, they look up to them, and tend to emulate them. When these people make statements against these types of weapons, I think it is a very, very positive thing.

I feel that many times parents, also, are unaware of the lethal potential of these weapons. Many of the people here today were surprised when Mr. Kelley was maneuvering the nunchaku—were surprised at looking at some of these weapons like the stars. Many parents unfortunately consider these things to be toys. They are unaware that the children have them—or when the children do have them—they are unaware that these things are very dangerous.

A child can buy these stars for less than the price of a soda and a hamburger. They are well within the range which most children could afford.

So something like "Stars against stars," I think, would be a very, very positive move.

Senator KENNEDY. Well, I think that is a helpful part of your testimony.

What can you tell us, given your training and your expertise in working with children, and also your own experience in martial arts, from your own background in it, what can you tell us about whether you think this is something that will grow in terms of appeal to children? What would be your own professional assessment as a trained psychologist and somebody who has worked with children? Given your expertise, is this something now that is just the tip of the iceberg, and unless we do something, it will become a greater problem? What can you tell us?

Dr. NARDI. Senator Kennedy, to my knowledge, the stars were first available or first shown to the American public in the late sixties, early seventies, with some TV series and different movies. I think with the popularity of the movies increasing, we are experiencing a martial arts boom. Many of the films are showing martial arts as a major portion of the action, and unfortunately, a lot of these weapons are being used in the films.

I believe, then, Senator, that the weapons will continue to grow in popularity as these films continue to become popular among young children. I think the more the films depict this type of weapon, the more the weapons will be desired by the children.

This particular knife that Larry Kelley showed you—I have an average-sized hand—my hand barely fits in here, if you notice. It really does not even penetrate. This is really designed for a smaller hand, a child's hand. They call it the macho meanie; the macho image that goes with this is what I am concerned about.

I have no complaint at all with legitimate martial arts training. In my own life, as an adolescent, I became involved with the martial arts. It taught me a certain discipline and self-respect, which has seen me through adolescence, through graduate school—indeed, even in my private practice of psychotherapy, I incorporate some of the principles of the martial arts. Martial arts teaches a person when to be hard, when to be soft, when to be flexible. It is a philosophy of dealing with life.

The discipline that goes into martial arts training, I think, is very, very valuable to children. They learn, from my own experience, children who are somewhat shy and who have poor self-esteem start to feel better about the integrity of their bodies and start to feel better about themselves. I have seen learning-disabled children start to improve as their coordination increases in the martial arts.

Legitimate martial arts training, I think, is very, very valuable.

My concern is that these weapons, which really do not have a place in legitimate martial arts training, particularly since the fact is, many youngsters who have sought martial arts training drop out; many adults drop out. So what we have are people who have some exposure to the martial arts, who have these weapons available, who learn a little bit about the weapons, who then go out and use them or can teach other people. There is no way to supervise.

Supervised martial arts instruction is very important. Unsupervised use of these weapons is very, very lethal.

Senator KENNEDY. Thank you.

Senator Simon.

Senator SIMON. Thank you.

First of all, Mr. Kelley, I want to keep you on my side.

Dr. Nardi, you mentioned that young people are exposed to these weapons through films. The evidence is overwhelming now that violence in films is causing problems in our society. There have been a number of studies, and they all show precisely the same thing. I am going to be meeting with representatives of the three networks and the cable industry later this month to talk about what can be done. I have tentatively drafted legislation that would put at the beginning of a film or a film advertised on TV a warning to parents: "This film may be harmful to the mental health of your children."

Is this whole area of films one that—and I am not an advocate of censorship—but is this an area that we, sooner or later, ought to be taking a very serious look at?

Dr. NARDI. Yes, Senator. I, too, would be opposed to censorship. However, I think some type of rating which would specify, as they do for the movie industry, something like that for TV shows would be helpful.

I think what happens is that these films are pure entertainment, in one sense, they are fantasy. Adults usually can distinguish that that is fantasy. Children, however, sometimes have difficulty. Young children, impressionable children, when they see these films, have difficulty distinguishing the reality and the fantasy. The fantasy is that the characters really do not get hurt; they become invincible. They can fling these things with impunity. Anybody who challenges you, you whip out a star, you throw it at the person.

The reality, however, is that these things are very, very dangerous. Misused, they lead to severe injury.

I think again that parents need to be informed of the potential danger of these weapons, and anything that would inform the parents, through notification before the movie came on or before the show came on that there would be some type of violence in using these weapons, I think that would be helpful.

Senator SIMON. Mr. Kelley.

Mr. KELLEY. Senator Simon, if I may, while we are on the subject, to focus it back a little bit on the martial arts magazines.

This magazine here, Inside Kung-Fu, showing that person about to get impaled, that knife that he is holding in his bottom right hand there is called a balisong knife. It is the brass-looking one right up there in front of the nunchakus.

I would like to enter this into the Congressional Record. The month that was on the newsstand, we had a murder incident in Boston. A 19-year-old brown belt in martial arts was stabbed to death with a balisong knife, by a 17-year-old street gang member. And to my knowledge, the 19-year-old karate student was a brown belt, had studied traditional martial arts for 3 years. I talked to his instructor, and he said he was a very, very good student, a very dedicated student. And let me tell you, sir, brown belt is up there. That is one step below black belt. So that kid was probably very, very good. And he got killed by a 17-year-old with no martial arts training whatsoever. But that 17-year-old just happened to have a knife.

So it definitely gives people the upper hand. It gives them the upper hand against martial artists, and it gives them the upper hand against police officers. It takes no skill whatsoever to make this thing work.

And as Dr. Nardi pointed out, this is almost designed for a small child. And believe me, you do not have to handle this to know. You can tell by looking at this that the force generated by an 8-, 9-, 10-year-old body could kill another human being if they walked up to that human being and stuck this in their kidney. That is all there is to it, and it does not take any martial arts training to do that.

Senator SIMON. Thank you both for your testimony.

Thank you, Mr. Chairman.

Senator KENNEDY. Senator Grassley, we welcome you to the hearing.

Senator GRASSLEY. Senator Kennedy, I have one question, and I would also like to insert a statement in the record.

Senator KENNEDY. It will be printed in the record.

[Statement follows:]

PREPARED STATEMENT OF SENATOR CHARLES E. GRASSLEY

Mr. Chairman, I want to commend you for holding this hearing on the problem involved in the interstate mailing of martial arts weapons.

Although the possession or use of martial arts weapons is illegal in most States, approximately eleven States have restricted their possession or use in varying degrees. Their restrictions include requiring an intent to use these weapons unlawfully and restricting possession to martial arts schools or demonstrations, or from regular school grounds by students under twenty-one.

The bill before us seems to be a positive attempt to deal with perceived difficulties involving martial arts weapons. However, I do foresee some problems with the bill's present form. For example, S. 1363 only addresses activity within the Postal Service, and therefore, disregards problems that may exist with other mail or delivery services. In addition, the definitions of martial arts weapons within the bill may not prove to be adequate.

Consequently, I look forward to the testimony of our distinguished witnesses so that, perhaps, these questions can be resolved.

Thank you, Mr. Chairman.

Senator GRASSLEY. I think my question would be most appropriately addressed to you, Mr. Kelley. Of all these weapons displayed here, is there any way any of those could legitimately be used in instruction in a martial arts class?

Mr. KELLEY. The nunchaku is, as I said before, an ancient, honorable, traditional weapon. But just to throw the statistic at you right now, sir, for every one karate student, be it child or adult, who is legitimately studying the traditional nunchaku technique with a legitimate instructor, as Dr. Nardi pointed out, supervised instruction, for every one of those, there are at least 100 instances of where children are using these, or criminals are using this with no supervision whatsoever.

I come from a farm town. I used to work in Hadley, which is a well-known farm town—we used to be famous for asparagus until the blight wiped it all out—and I used to work on the farm, and some of the kids I worked with, who were 12 or 13 years old, had been farm kids all their lives, and they used to drive around in these old Edsels or whatever out in the backyard for 2 or 3 years. So, at the age of 13, these kids could literally drive. So, to have them on the highways of America would not bother me in the least. But that does not mean the Federal Government says, "OK, a couple of kids can do it legitimately. Let's let all 13-year-olds drive cars." Can you imagine what the accident and death rate would be if we did that?

So, yes, there is some small amount of legitimate use for these weapons, but again, in a democracy, you are talking about the safety of the majority over the will of the minority.

Senator GRASSLEY. Now, you referred to one weapon. Is that the one out of all those displayed, or are you saying in some respects, every one of the weapons shown up there would have some legitimate use in instruction in a martial arts schools?

Mr. KELLEY. No, I would not go that far, no.

Senator GRASSLEY. Would you say it is a majority, or just one or two of those displayed here, that would have a legitimate purpose?

Mr. KELLEY. I would say the only one that has a legitimate purpose would be the nunchaku—and as I said, I would have strong reservations about that.

Senator GRASSLEY. Thank you, Senator Kennedy.

Senator KENNEDY. Thank you, Senator Grassley.

As you know, Senator, we are really talking about the chains, the sticks and the stars in the legislation, those three elements, as far as inclusion in the legislation. Lord only knows, there are a good many other items there.

Finally, we have strong legislation in Massachusetts, but do I gather from your testimony that even with the strong legislation we have at the State level, that this is still a problem, as you see it, in our State, because of the availability of acquiring these kinds of weapons through the mail?

Mr. KELLEY. It is just cascading into the State, Senator. There is literally nothing that anyone can do. And all of the kids know it. That is the problem. I mean, children these days are very, very clever. So the word is out, and as Dr. Nardi pointed out, probably, the parents do not know. I do not think the parents are aware—although I have waged a campaign in Massachusetts trying to

make police officers, public officials, and parents very aware of the problem. So Massachusetts probably has a better awareness than any other State. But I still think that a lot of parents, even in our home State of Massachusetts, do not realize their kids are playing with deadly weapons.

Senator KENNEDY. I thank both of you very much.

Mr. KELLEY. Thank you, Senator.

Dr. NARDI. Thank you.

Senator KENNEDY. Our next panel includes Stephen Halbrook, an attorney from Fairfax, VA, representing the Cutlery Collectors Legislative Committee; Dr. Karl Duff, of Duff & Hicks, Woodstock, GA; Michael James, a publisher at Rainbow Publications, Burbank, CA, and Jhoon Rhee, of the Jhoon Rhee Institute of Tae Kwon Do, in Washington.

We will start off with Mr. Halbrook.

STATEMENT OF A PANEL INCLUDING DR. STEPHEN P. HALBROOK, ATTORNEY, FAIRFAX, VA, ON BEHALF OF CUTLERY COLLECTORS LEGISLATIVE COMMITTEE, INC.; DR. KARL J. DUFF, DUFF & HICKS, WOODSTOCK, GA; MICHAEL JAMES, RAINBOW PUBLICATIONS, INC., BURBANK, CA, AND JHOON RHEE, JHOON RHEE INSTITUTE OF TAE KWON DO, WASHINGTON, DC

Dr. HALBROOK. Thank you, Senator.

Senator KENNEDY. We will include all the full statements in the record, if you could summarize.

Dr. HALBROOK. Yes, sir; I will just summarize what I have submitted in detail in writing.

I am appearing as counsel for the Cutlery Collectors Legislative Committee, but I want to say as a personal note that I have 15 years' experience in the martial arts training. I have enjoyed using each one of the three items that is intended to be regulated under this bill, particularly the nunchaku sticks, which are Okinawan traditional implements, not Ninja weapons.

The only gangs that I am a member of are the Virginia State Bar and the Bar of the District of Columbia.

In my experience in the martial arts, as far as these implements go, I have never heard of anybody misusing them. Mr. Kelley just said only 1 out of 100 of these implements is possessed for legitimate purposes. In my experience, all of them are possessed for legitimate purposes, and I have never heard of any criminal incidents.

As a former philosophy professor, I taught courses in ethics and Oriental philosophy, and obtained special insights into that philosophy through training in martial arts.

I hope that the committee will take a hard look at the only available statistics that anyone has submitted in this regard. It is the tally of weapons—reproduced on the second page of my report—which was obtained from the Bureau of Justice Statistics. Of the weapons used in the criminal incidents reported, boards, bottles, rocks, and bats are used much more than any martial arts items. It also shows that karate sticks were not used in incidents any more

than were golf clubs, pool cues, boards with nails, automobiles, and scissors.

Section 1 of the proposed legislation would prohibit mailing to States which prohibit the carrying or possession of such items. Massachusetts law, and the laws of all other States, with two exceptions, allows the peaceful possession of these items. It has been said here repeatedly that the items are banned in that State, but they are not. The only States where a ban on possession exists of any of these items are New York, which bans possession of the nunchaku sticks, and California, which bans possession of the throwing stars. All of the other States regulate the carrying of these items, however. For example, in some States, it is prohibited to carry weapons concealed on or about one's person. The State of Massachusetts and others prohibit the carrying on the person, or under one's control in a vehicle. These are very important and narrow words in terms of criminal statutes. "On the person" means in one's pocket or one's hand. Still other States prohibit the carrying of these items with the intent to use them unlawfully against another person. Not one of those States, however, bans the peaceful use or possession of these items at home or in a studio.

Section 2 of the proposed legislation would provide an exception and say that you can mail these items to States which do not prohibit the sale or transfer of them.

If you look at the Congressional Research Service report, you will find only two States with such prohibitions—Massachusetts bans the sale of each of these items, and California bans the sale only of the shuriken. Every other State allows the sale or transfer of these items.

So apparently, 48 States have determined as a matter of public policy that the legitimate uses of these items outweigh the criminal misuse.

This apparently is the first time that the Federal Government is being asked to enforce State misdemeanor laws. There are a number of things with no legitimate uses that are illegal in every State but which are mailable. Those include burglary tools, slot machines, and forged documents.

If you look at the Domestic Mail Manual, you will find that the intention is not to enforce State misdemeanor laws—there are very narrow exceptions of items that are nonmailable, and they are all defined by Federal law.

Addressing section 3 of the bill, I would like to ask a question: Are we talking about dangerous martial arts weapons, or legitimate exercise tools?

The nunchaku, the way you define it, would include a jumprope, which I have here. You define it as "two pieces of wood, connected by a rope". I will not go through a demonstration like the other witness did, but you can swing a jumprope in many of the same ways that you can swing karate sticks. Anything can be used as a weapon, and the real issue is whether a person has the intention to do so.

Many of the State courts have taken a look at the nunchaku, and they have all found that it is a legitimate exercise tool. The Hawaiian Supreme Court has the following language in one of its opinions:

Today, nunchaku sticks are widely used in the martial arts to build up dexterity, mind and body coordination, and aids in developing a larger sphere of consciousness around an individual. We believe that nunchaku sticks, as used in the martial arts, are socially acceptable and lawful behavior, especially here in Hawaii, where the oriental culture and heritage play a very important role in society.

The same exists in terms of legitimate uses for the other items, and I think that what we should be about is punishing criminals and not athletes.

Thank you.

Senator KENNEDY. Thank you.

[Statement follows:]

SHOULD CONGRESS REGULATE SPORTING EQUIPMENT USED BY MARTIAL ARTISTS?

AN ANALYSIS OF S.1363

- by Stephen P. Halbrook*

Submitted on behalf of the Cutlery Collectors Legislative Committee, Inc., a non-profit civic league organized to promote the constitutional and civil rights of cutlery owners and collectors.

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INTRODUCTION

S.1363 would take the unprecedented step of federal criminalization of mailing primitive, innocuous objects fashioned from wood and metal. Exaggerated claims have been made that martial arts implements are outlawed by many states, when in reality they are legal in virtually every state. While the states generally regulate how and where weapons may be carried, they do not prohibit, as the bill presumes, "carrying" per se.

It is unclear whether this bill would ban mailings to states with any "carrying" regulations (even if such would include only carrying on school property), which would probably include all states, or only to the two states which prohibit the sale or transfer of certain implements. The bill unfairly requires a sender to prove the legality of each and every mailing to the Postmaster, and provides penalties grossly in excess of those under what few state laws exist.

It is questionable whether the Congress should get involved with regulating sticks connected by rope, metal stars, or chains. Martial arts implements are legitimate exercise tools with no statistically significant nexus to crime. To speak of "razor-sharp throwing stars, kung fu killing sticks, and fighting chains designed to kill humans" insults the integrity of many thousands of lawabiding martial artists who have never harmed anyone.

After a brief look at pertinent statistics, the following analyzes the proposed bill in light of state law on the subject.

TALLY OF WEAPONS

Tally of weapons other than guns or knives from households interviewed for the National Crime Survey, April-June 1976.

Weapon	Number of times entered
Wood sticks/boards	20
Glass/bottle	12
Club	9
Rock	8
Tire iron/crowbar	8
Bat	6
Chain	6
Billyclub	2
Golf club	2
Pool cue	2
Board with nails	2
Automobile	2
Blackjack	2
Karate sticks	2
Screwdriver	2
Brass knuckles	2
Scissors	2

Shovel, barbecue fork, machete, steel toe shoe, belt, cast on arm, pliers, ax, rope, fire poker, flourescent light, crutch, wrench, ashtray, book, toaster, chunks of asphalt - one each.

SOURCE: Bureau of Justice Statistics, U.S. Department of Justice

As the above indicates, martial arts implements were not used to any significant degree in the criminal incidents reported above. Karate sticks were used in only two incidents, as were golf clubs, pool cues, and other such items not proposed to be nonmailable.

The U.S. Consumer Product Safety Commission reports martial arts and other sports related injuries, but there is no evidence that a significant number of these were related to weapons. Most injuries are to the foot, finger, face, and knee, and stem from sparring and other rigorous exercise associated with karate. (1984 CPSC statistics are appended to this analysis.)

I. HOW S.1363 WOULD VIOLATE THE RIGHTS OF THE PEOPLE OF 48 STATES

S.1363 would ban the mailing of certain martial arts implements to states which prohibit "manufacturing, selling, carrying or possessing" such implements. While most states regulate how weapons may be carried, not one state makes "carrying" *per se* an offense. Moreover, aside from the ban on

possession of one each of the implements in two states, no other state bans such possession.

Contradictorily, the bill then provides that martial arts weapons may be mailed to states "in which a sale or transfer would be legal under the laws of such State." Again, only two states prohibit the sale or transfer of these implements. However, the sender must demonstrate to the Postmaster the legality of each and every shipment.

The following analyzes the inadequacies andambiguities of the above language, and demonstrates that the bill would violate the rights of athletes and martial arts enthusiasts involved in sports recognized as legitimate in virtually all the states.

A. A Ban on Mailing Items to States that Prohibit "Carrying or Possessing" Same Could be Interpreted as Affecting All States or Only two States

Section (1) of the bill prohibits the mailing of martial arts implements "to any person in a state which prohibits manufacturing, selling, carrying, or possessing" same.

The term "possession" is well defined at common law and presents no vagueness issue. As the Congressional Research Service study shows, only two states ban possession of martial arts implements: California bans the shuriken, and New York bans the nunchaku.[1] A few states prohibit possession in certain places, but recognize the legitimacy of the implements by providing a "martial arts school or demonstration exception."[2] The bill's language should be clarified so as not to apply to such states which do not ban possession at all places.

Not one state prohibits the "carrying" per se of any weapon. Virtually every state prohibits either carrying a concealed weapon on or about one's person, carrying on one's person or under one's control in a vehicle certain weapons, or carrying a weapon with intent to inflict injury on another. Only 4 or 5 states identify martial arts implements as weapons which may not be carried concealed.[3] In other states, the courts may or may not hold them to be weapons which may not be carried concealed.

By not restricting the carrying of martial arts implements at all times and places, the states have determined as a matter of public policy that these implements have legitimate uses. Congress should not ban mail order shipments to states which merely regulate how or where an implement may be "carried."

"Carrying" something per se, "carrying" it in a specific way (such as concealed or "on one's person"), and "possession" thereof have well defined legal meanings which this bill does not adequately distinguish. An analysis of Massachusetts law will exemplify these differences.

Massachusetts does not prohibit the possession of martial arts weapons, but punishes anyone who "carries on his person, or carries on his person or under his control in a vehicle, any stiletto, dagger, dirk knife, . . . nunchaku, . . . a shuriken . . ., or a manrikigusari . . . ."[4] The difference between carrying on the person and possession is fundamental. For instance, the same act provides penalties for any who "possesses a machine gun . . . ."[5]

Concerning the word "carrying", the Supreme Judicial Court has said that "the idea conveyed by the statute is that of movement."[6] "It is therefore possible for a person not licensed to carry a firearm to obtain possession of one within his 'residence or place of business' without violating the law."[7]

Moreover, the carrying must be "on the person" - a term which is far more narrow than "possession" or even "about the person." A conviction for carrying a "steak knife" in a pocketbook was upheld under the above act which punishes anyone who "carries on his person . . . any stiletto, dagger, dirk knife . . . ."[8] Obviously, when possessed and used at home, the same steak knife would be perfectly legal, just as are nunchaku, shuriken, and manrikigusari.

To conclude, only two states ban "possession" of one each of the implements in question. While all states regulate how and where weapons in general may be carried, only a few identify martial arts implements as weapons, and not one state

bans the "carrying" per se of any weapon. Aside from its vague treatment of these terms, the bill is a tempest in a tea pot in view of the fact that virtually all the states allow possession of martial arts implements.

B. Only two States Prohibit the "Sale or Transfer" of Martial Arts Items, but the Bill Requires Senders to Prove to the Postmaster the Legality of Every Mailing to any of the Fifty States

Section (2) of S.1363 provides: "Dangerous martial arts weapons may be conveyed in the mails under such regulations as the Postal Service may prescribe -- . . . (E) to a person or business in a State in which a sale or transfer would be legal under the laws of such State."

It is difficult to reconcile Section (1), which prohibits mailing to a state which "prohibits manufacturing, selling, carrying, or possessing," with Section (2), which allows mailing to a state "in which a sale or transfer would be legal under the laws of such State." Why does not Section (1) simply outlaw mailing to a state "in which a sale or transfer would be illegal"? This irreconcilability can lead only to confusion.

Strictly construed, S.1363 would make it a crime to mail certain martial arts items to a state where the item is illegal to sell or transfer. Yet only two states in the whole United States have such prohibitions: Massachusetts bars sale (but not possession) of a nunchaku or shuriken, and California bans sale of a shuriken.[9] Evidently the legislatures of the 48 other states have determined that such prohibitions are contrary to public policy.[10]

Despite the legitimacy of these recreational martial arts items in 48 states, S.1363 would make it burdensome and oppressive to mail them to any of these states, merely to help enforce the misguided laws of only two states. Section (2)(E) of S.1363 provides that martial arts items "may be conveyed in the mails . . . to a person or business in a state in which a sale or transfer would be legal under the laws of such state. The Postal Service may require, as a condition of conveying any such weapon in the mails, that any manufacturer or dealer

proposing to mail such weapon explain in writing to the satisfaction of the Postal Service that the mailing of such weapon will not be in violation of this section."

Having to prove to the Postmaster that the items are legal in every state, when only two states bar one each of them, is calculated to suppress mailing them to any state. This bill is subject to the following objections:

1. It creates a presumption of guilt and forces one to prove his or her innocence, in a situation where 48 states tacitly approve of the conduct.

2. It would be unfair, burdensome, and expensive to persons who would mail such items to prove their legality to the Postmaster each and every time they would mail them. No one is going to mail a lousy $4.00 nunchaku when an attorney will have to be retained to prove the law of the given state to the Postmaster.

3. Present postal regulations make various articles nonmailable under federal laws, but do not bar articles which states may prohibit. The Postmaster is not required to know and interpret state law. The Domestic Mail Manual prohibits the mailing of such items as hazardous matter, controlled substances, motor vehicle master keys, abortive devices, pistols, and switchblade knives.[11] All of these items are regulated by federal law; not any require the Postmaster to interpret state law.

4. Out of all the hundreds of articles illegal in a few but not most states, martial arts items are the first and only ones where the Postmaster is to enforce state misdemeanor laws. Why this of all things? There must be many articles which it is a felony to make or possess in many states, which the Postmaster is not involved in regulating. Why single out recreational and sports items, and leave burglary tools, slot machines, stolen property, illicit stills, counterfeit and forged documents, and other contraband mailable?

5. S.1363 creates the danger of unprecedented federal involvement in enforcement of state law. It extends federal

police power, and it uses federal funds to enforce two misguided state laws.

6. Under existing postal regulations, if the Postmaster decides that an article is nonmailable, one must appeal to the Office of Mail Classification, and after that, to an Administrative Law Judge.[12] In event of arbitrary decisions by the Postmaster, who will pursue expensive administrative appeals in Washington, D.C., and expensive litigation if unsuccessful, merely to mail a couple of sticks connected by cord for which one would make a buck or two for profit?

In Stanford v. Lunde Arms Corp., the Postmaster classified as nonmailable "firearms" what the court described as "toy cap pistols." "We feel constrained to agree with the [district] court that it is nonsense to regard such an instrument as a lethal weapon."[14] It is predictable that the Postmaster will classify any metal star as a prohibited "throwing star," even though almost none are lethal weapons. Who would be able to litigate such a determination?

7. It may be predicted that each year new items that are legitimate in almost every state will be added to the prohibited list. Indeed, Senator Kennedy's original draft of this bill would have included swords, axes, two bladed knives, and Balisong knives (folding knives of the Philippine design). While opening the floodgates to regulation of many legitimate objects, this bill will do nothing to reduce crime.

In sum, Section S.1363 creates a presumption of nonmailability in all states even though only two states prohibit sale or transfer. Presumed to be guilty, one must prove one's innocence to the Postmaster before mailing. This can only serve to violate the rights of the people of the 48 states which allow sales by making it more difficult for them to sell and acquire the recreational items in question.

C. The Penalty Provision Grossly Exceeds Penalties Under State Law

Section (1)(B) of S.1363 provides that violators "shall be fined not more than $1,000 or imprisoned not more than one year or both." This possible sentence is grossly out of

proportion to what few penalties exist under state law.

Martial arts implements may be mailed "to a person or business in a state in which a sale or transfer would be legal under the laws of such state."[15] The Congressional Research Service Report lists only three states which ban the manufacture (and sale) of nunchakus and shuriken.[16] One of these states, Arizona, is listed by mistake, for it includes an exception for exhibitions and athletic events.[17]

Another state listed in the report is Massachusetts, which punishes the manufacture and sale of the nunchaku, shuriken, and manrikigusari with a maximum $200 fine and six months imprisonment.[18] The third state mentioned is California, which allows sale of nunchakus to schools of self-defense. It punishes sale only of stars without handles "with sharp edges . . . for use as a weapon for throwing" -- a far more rigorous definition than that contained in S.1363 -- with a possible $1,000 fine and one year imprisonment.[19]

The above report fails to mention that Virginia prohibits the sale of "a throwing star or oriental dart" -- Occidental darts are perfectly acceptable -- but the maximum punishment is a $100 fine.[20] Anyone who mailed a throwing star to Virginia would be subject only to a state fine of $100, but could suffer a federal penalty of one year's incarceration.

Ideally, no citizen should suffer any criminal penalties for mailing primitively shaped implements of metal or wood. If such conduct is criminalized, a fine will more than suffice. At the maximum, it should be no more than a "petty offense" which under federal law is a maximum $500 and six months jail. Even more creative would be to allow the maximum punishment set by the state which prohibits the sale and to which the article was mailed, and even then to allow prosecution only if such state declines to do so.

II. "DANGEROUS MARTIAL ARTS WEAPONS" -- OR LEGITIMATE EXERCISE TOOLS?

Subsection (3) defines the term "dangerous martial arts weapon" to include three arbitrarily selected objects of wood or metal in shapes traditional only to Oriental cultures. Apparently a reaction to the film industry's exaggeration of the lethality of these instruments, which in reality are used almost exclusively for recreational and athletic purposes, S.1363 revives a "Yellow Peril" mania. An analysis of the proposed nonmailable objects follow.

A. The Nunchaku: Two Sticks Connected With Rope

"(A) A nunchaku, also known as klackers, kung fu sticks, or similar weapons consisting of two sticks of wood, plastic, or metal connected at one end by a length of rope, chain, wire, or leather;"

Reported court decisions have invaribly held that the nunchaku is a legitimate exercise tool used by athletes. As the Supreme Court of Hawaii held:

> Nunchaku sticks were originally designed as a farmer's tool used to separate chaff from the grain, similar to a thresher. However, nunchakus developed into a defensive weapon against the samurai's sword. Today, nunchaku sticks are widely used in the martial arts to build up dexterity, mind and body coordination and aids in developing a larger sphere of consciousness around an individual. . . .
>
> We believe that nunchaku sticks, as used in the martial arts, are socially acceptable and lawful behavior, especially here in Hawaii where the oriental culture and heritage play a very important role in society.[21]

Similarly, an appellate court in Pennsylvania determined as follows:

> There is no doubt that the nunchaku can be used offensively, as can a golfclub or a baseball bat, to inflict serious injury. However, a student or instructor of the martial arts would have occasion to use the nunchaku in the peaceful practice of karate exercises. The martial arts are practiced by many citizens of this Commonwealth as a sport and an exercise.[22]

A court in Illinois held that carrying nunchakus is not a crime and that "karate sticks are part of a legitimate sport."[23] A Michigan court found that its legislature had "not intended to include Karate sticks as dangerous weapons." Nunchakus "are intended for use in the martial art of karate

and at least one college of this state offers instruction on their use."[24] In Arizona, "the use of nunchakus in the peaceful practice of the martial arts or the possession for such use is not a crime . . . ."[25]

Ironically, the nunchaku came to be used as a weapon originally because the Japanese who conquered Okinawa banned swords so that the peasants could not resist overtaxation and other forms of oppression. The peasants resorted to agricultural flails and other implements to defend themselves against attacks by samurai armed with swords. These same peasants developed karate, the art of empty hand fighting, in response to the same needs.[26]

Indeed, the commoners in feudal Japan were also subjected to "sword-hunts" intended to deprive them of defensive arms. Oriental despotism was (and is) based on an armed government and a disarmed populace.[27] Not surprisingly, commoners in the Medieval West experienced relative freedom to the extent that they were armed.[28]

Nearly two hundred years ago, the Founding Fathers adopted the Constitution, the Second Amendment to which stated that "the right of the people to keep and bear Arms, shall not be infringed." Americans won the War for Independence because they resisted British attempts to disarm them. They adopted the Second Amendment to the Constitution to guarantee the personal, individual right to own and possess weapons.[29]

In 1770, after British soldiers shot down colonists in what came to be known as the Boston Massacre, the excuse was made that one of the deceased had been carrying a stick as a weapon. To this Samuel Adams wrote that "he had as good right, by the law of the land, to carry a stick for his own and his neighbor's defence, in a time of danger, as the Soldier who shot him had, to be armed with musquet and ball . . . ."[30] To the founders of this country, it would have been unthinkable to question the right to possess firearms, swords and knives, much less sticks.

Recently, the Supreme Court of Oregon considered whether

possession of a billy club is protected by that state's Bill of Rights, which provides that "the people shall have the right to bear arms for the defense of themselves, and the state . . . ." The court held:

> The club is considered the first personal weapon fashioned by humans. . . . The club is still used today as a personal weapon, commonly by the police. [Author's note: some police also carry nunchaku.] . . .
>
> Our historical analysis of Article I, section 27, indicates that the drafters intended "arms" to include the hand-carried weapons commonly used by individuals for personl defense. The club is an effective, hand-carried weapon which cannot logically be excluded from this term. We hold that the defendant's possession of a billy club in his home is protected by Article I, section 27, of the Oregon Constitution.[31]

A right to keep and bear a club would logically include a right to keep and bear two clubs attached by a rope. Even though today the primary use of the nunchaku is as a recreational exercise tool, it may also be used as a defensive arm.

The nunchaku is not used in crime to any appreciable degree. New York is the only state to forbid possession of a "chuka stick," and the Practice Commentary in that state's annotated code notes that because it "deprives law-abiding members of the public who heretofore employed chuka sticks in training of the right to do so . . . , the reasonableness of this legislation is brought into question."[32]

Since it is a legitimate exercise tool, and since the misguided law of only one state bans its possession, the nunchaku should not be regulated by Congress. Indeed, a close reading of S.1363's definition of nunchaku as wood sticks connected by rope would include a common jump rope. Congress has more important items on its agenda than this nonsense.

B. The Shuriken: Any Metal Stars?

"(B) a shuriken or similar pointed star-like object intended to injure a person when thrown;"

This vague and overbroad definition could include a circular saw blade. The First Amendment guarantees of free expression and religion will be affected by a ban on metal shapes such as the Star of David or Christmas stars. Will a

metal star be prohibited if the word "ninja" is stamped on it, but not if it contains a religious message? Will the government judge speech content?

The "throwing stars" currently being marketed are intended to stick in a wood target (some are too flimsy for that), not "to injure a person when thrown." "Many of the mass-produced shuriken today are still somewhat toylike because of the manner in which they are produced, and it is doubtful they could be used effectively in the ways I will describe in this book," according to the expert on the subject.[33] "Commercial varieties are die-stamped, light-gauged metals which are painted with various martial arts motifs. Many experts consider shuriken of this type to be toys rather than 'real' weapons."[34] Are these dull, light metal stars encompassed in the above definition?

"Shuriken" has been defined as "a knife made for throwing, Japan. The hilt and blade are forged in one piece."[35] As indicated by the source appended to this analysis, the shuriken may look like a common butcher knife. What are today called throwing stars are specifically known as "shaken." "The shaken are cross-shaped shuriken with three points, six points, and eight points."[36] The term "shuriken" could thus encompass regular throwing knives, tomahawks (especially the Indian design with a blade on one side and spike on the other), and similar traditional American weapons which are today objects of pleasure by historic reenactment groups and other legitimate interests.

However defined, a ban on mailing throwing stars will serve no law enforcement purposes. Unlike kitchen knives, throwing stars have not been used in crime to any statistically significant degree. California is the only state which prohibits possession of sharp metal stars "without handles" designed "for use as a weapon for throwing,"[37] and the only reported decision on the subject involved "four very sharp steel blades welded together."[38] The status of the typical throwing star on today's market which is not really a

weapon is unclear. New York more sensibly prohibits possession of a "shirken [sic] or kung fu star" only "with the intent to use the same unlawfully against another."[39]

C. The Manrikigusari: Are Tow Chains Included?

"(C) a manrikigusari, also known as a fighting chain, or similar weapon consisting of a length of chain having weighted ends."

Again, this definition suffers from ambiguity. A chain with hooks on each end, typically called a "tow chain," could be encompassed, and if not, the prohibition could be easily evaded.

Some modern karate enthusists enjoy exercise with a manrikigusari, not a single state bans its possession, and not one reported court decision mentions its use in a crime. It was not developed by the ninja, but by the police as a defensive arm. Its use originated two centuries ago by Dannoshin Masaki. As the authoritative work states:

> While assigned as Head Sentry for the main gate of Edo (Tokyo) Castle, it was the responsibility of Masaki and his disciples to guard against the intrusion of bandits, hoodlums, or otherwise insane persons. . . . He decided that the use of the chain in some form would be most suitable for defending not only against unarmed enemies, but those armed with sticks, swords, and other types of weapons. . .
>
> . . . Before Masaki presented the manrikigusari to anyone or before he taught its techniques, he always instructed the receiver that the manrikigusari was not meant for unnecessary fighting and that it should be used only for right. Should it be used for wrongdoing, Masaki warned that that person would destroy himself physically and spiritually.[40]

The above is typical of the moral philosophy taught in karate classes in this country regarding such instruments. Since chains with weighted ends have recreational and utilitarian uses, and are not demonstrated crime weapons, they should be mailable.

D. Knives, Swords, and Ceremonial or Collector Weapons

Subsection (3) of S.1363 concludes by stating: "The term dangerous martial arts weapon does not mean any knife, sword, or collector weapon that is otherwise mailable under this section."

The terms "otherwise mailable under this section" could be construed in two different senses:

1. It might refer to the three martial arts weapons just listed, in which case it is superfluous, inasmuch as a knife, sword or other weapon could be mailed anyway if it is not one of the three defined weapons. Still, these terms are beneficial in that they indicate the intent not to include knives and swords as nonmailable. It may be appropriate to rephrase the sentence to include the words, "ceremonial, collector, recreational, or other lawful weapon." Better yet, it should read, "any knife, sword, or weapon that is otherwise mailable under this section."

2. "This section" might refer to the exisiting section, 18 U.S.C. Section 1716, subsection (g) of which prohibits the mailing of switchblade knives. Again, it would be appropriate simply to state, "any knife, sword, or weapon that is otherwise mailable under this section."

CONCLUSION

Vaguely drafted, S.1363 could be interpreted as prohibiting the mailing of certain implements to all fifty states, since each regulates the places and manners in which weapons may be "carried," or only to the two states which ban all sales or transfers of the implements. The bill's definitions of these implements are uncertain and overbroad. No demonstration has been made to link the implements with crime; to the contrary, the state courts have recognized their legitimacy for recreational sports.

It is manifestly clear that the proposed legislation is unwarranted and would interfere with lawful activities without reducing crime. Stripped of the rhetoric, there is no substance behind the incredible charges that the implements

are "killer" weapons. For such a non-problem, no useful purpose would be served by federal intrusion in the recreational area of traditional Oriental martial arts.

This country was founded on the right to pursue happiness in one's own way. Our Founding Fathers would be aghast at a proposal that the federal government imprison someone for sending to another two sticks attached by cord, a piece of chain, or a piece of metal shaped like a star. The coming bicentennial of the Constitution should cause all Americans to re-educate thenmselves on the true principles of individual liberty.

NOTES

1. See "Appendix I: State Criminal Statutes Specifically Regulating Martial Arts Implements," 131 CONG. REC., 99th Cong., 1st Sess., No. 87, at S.8851 (June 26, 1985).

2. Id.

3. Id.

4. Mass. Gen. Laws, Section 269-10(b).

5. Id. Section 10(c).

6. Commonwealth v. Atencio, 345 Mass. 627, 631, 189 N.E.2d 223, 226 (1963).

7. Commonwealth v. Seay, 383 N.E.2d 828 (Mass. 1978). See Commonwealth v. Osborne, 368 N.E.2d 1219, 1220 (Mass. App. 1977) (firearm possessed and used in the home was not carried on the person -- "the evidence showed only 'temporary possession' during firing and no 'movement' at all").

8. Commonwealth v. Thompson, 15 Mass. App. 974, 446 N.E. 2d 746, 747 (1983).

9. Mass. Gen. Laws, Section 269-12; Ca. Penal Code Section 12020(c).

10. The Congressional Research Service Study fails to mention Virginia's $100 fine for sale of a throwing star, which in reality amounts to a civil penalty. See infra note 20.

11. See U.S. Postal Service, Domestic Mail Manual, Section 124.

12. 39 C.F.R. Part 953.

13. 211 F.2d 464, 465 (9th Cir. 1984).

14. Id. at 466.

15. S.1363, Section 2(E).

16. Supra note 1.

17. Ariz. Rev. Stat., Section 13-3102 (H).

18. Mass. Gen. Laws, Section 269-12.

19. Ca. Penal Code, Section 12020 (b)(3), (c).

20. Code of Va., Section 18.2-311.

21. State v. Muliufi, 64 Haw. 485, 643 P.2d 546, 549 (1982).

22. Commonwealth v. Adams, 245 Pa. Super. 431, 369 A.2d 479, 482 (1976).

23. People v. Tate, 68 Ill. App.3d 881, 25 Ill. Dec. 313, 386 N.E.2d 584, 586 (1979).

24. People v. Malik, 70 Mich. App. 133, 245 N.W.2d 434, 436 (1976).

25. State v. Swanton, 129 Ariz. 131, 629 P.2d 98, 99 (1981).

26. S. Halbrook, Oriental Philosophy, Martial Arts and Class Struggle, 2 SOCIAL PRAXIS 135, 139-140 (No. 1/2 1974).

27. 2 G. Sansom, A HISTORY OF JAPAN 331-32, 337 (1961).

28. A. Lewis, KNIGHTS AND SAMURAI 26-27, 76-77, 82 (1974).

29. The Right to Keep and Bear Arms, Report of the Subcommittee on the Constitution, Judiciary Committee, U.S. Senate, 97th Cong., 2nd Sess. (1982).

30. 2 S. Adams, WRITINGS 119 (1906).

31. State v. Kessler, 289 Or. 359, 614 P.2d 94, 100 (1980).

32. N.Y. Penal Code, Section 265.01(1) (Practice Commentary at 450).

33. S. Campbell, Ninja Shuriken Throwing ix (1984).

34. Id. at 15.

35. G. Stone, A Glossary of the Construction, Decoration, and Use of Arms and Armor 564 (1934).

36. C. Gruzanski, Spike and Chain 101 (1968).

37. Ca. Penal Code, Section 12020(c).

38. People v. Johnson, 72 Cal. App.3d 52, 139 Cal. Rptr. 811, 813 (1977).

39. N.Y. Penal Code, Section 265.01(1).

40. C. Gruzanski, Spike & Chain 27-28 (1968).

ESTIMATES REPORT SOURCE: NATIONAL ELECTRONIC INJURY SURVEILLANCE SYSTEM
U. S. CONSUMER PRODUCT SAFTY COMMISSION/DIRECTORATE FOR EPIDEMIOLOGY
NATIONAL INJURY INFORMATION CLEARINGHOUSE

TABLE OF BDYPT BY AGE

BDYPT / AGE	00-4	05-14	15-24	25-44	45-64	TOTAL
SHOULDER	0	183	311	171	0	666
UPPER TRUNK	0	45	343	709	0	1097
ELBOW	0	140	150	209	0	500
LOWER ARM	0	116	206	342	0	663
WRIST	0	319	543	125	0	987
KNEE	0	229	643	753	0	1617
LOWER LEG	0	171	309	142	0	629
ANKLE	0	81	361	239	0	681
PUBIC REGION	0	0	0	183	0	183
HEAD	0	377	256	0	0	633
FACE	0	104	985	509	102	1700
EYEBALL	0	0	22	91	0	113
LOWER TRUNK	0	79	256	455	24	804
UPPER LEG	0	0	116	0	0	116
HAND	0	38	591	466	0	1095
FOOT	0	239	1666	906	102	2913
ALL PARTS BODY	0	0	22	0	0	22
MOUTH	38	45	348	346	0	777
NECK	0	152	149	105	0	406
FINGER	81	748	1074	825	81	2829
TOE	0	305	381	697	0	1381
EAR	0	0	0	24	0	24
TOTAL	119	3373	8728	7296	310	19826

ESTIMATES REPORT SOURCE: NATIONAL ELECTRONIC INJURY SURVEILLANCE SYSTEM
U. S. CONSUMER PRODUCT SAFTY COMMISSION/DIRECTORATE FOR EPIDEMIOLOGY
NATIONAL INJURY INFORMATION CLEARINGHOUSE

TABLE OF DIAG BY DISP

DIAG / DISP FREQUENCY	TR/REL	HOSP	TOTAL
CONCUSSION	124	0	124
CONTUSIONS-ABR.	6558	69	6626
CRUSHING	22	0	22
DISLOCATION	501	0	501
FRACTURE	4165	185	4350
HEMATOMA	205	0	205
LACERATION	2195	0	2195
DENTAL INJURY	22	0	22
PUNCTURE	22	0	22
STRAIN, SPRAIN	5566	0	5366
NOT STATED OR UNK.	23	0	23
OTHER	240	0	240
AVULSION	26	0	26
DERMA/CONJUNCT.	102	0	102
TOTAL	19572	253	19826

ESTIMATES REPORT

MARTIAL ARTS - CALENDAR YEAR 1984
SOURCE: NATIONAL ELECTRONIC INJURY SURVEILLANCE SYSTEM
U. S. CONSUMER PRODUCT SAFTY COMMISSION/DIRECTORATE FOR EPIDEMIOLOGY
NATIONAL INJURY INFORMATION CLEARINGHOUSE

13:35 WEDNESDAY, AUGUST 14, 1985

TABLE OF DCC BY LOC

DCC / LOC / FREQUENCY / ROW PCT	UNK.	HOME	APART.	STREET	PUBLIC	SCHOOL	SPORTS	TOTAL
F	68	0	0	0	0	0	69	137
	49.73	0.00	0.00	0.00	0.00	0.00	50.27	
M	3115	2653	91	229	2495	2825	8259	19667
	15.84	13.49	0.46	1.16	12.69	14.37	42.00	
6	22	0	0	0	0	0	0	22
	100.00	0.00	0.00	0.00	0.00	0.00	0.00	
TOTAL	3205	2653	91	229	2495	2825	8328	19826

80

A GLOSSARY

OF THE

Construction, Decoration and Use of Arms and Armor

IN ALL COUNTRIES AND IN ALL TIMES

Together with
Some Closely Related Subjects

By GEORGE CAMERON STONE

JACK BRUSSEL, *Publisher*

NEW YORK, N. Y.

SHU-NURI. See Lacquer.

SHURI. The shaft of an Ainu arrow. (Greey 109).

SHURIKEN. A knife made for throwing, Japan. The hilt and blade are forged in one piece. As it was usually lost when thrown it was plain. Fig. 726.

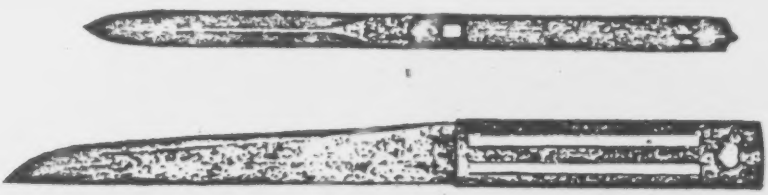

FIGURE 726. *Shuriken.* 1. *Triangular blade and hilt forged in one piece. Length 9 inches. The handle was originally covered with wood or leather.* 2. *Handle and blade forged in one piece. Length, blade 8.375 inches, total 10.625 inches.*

SHUSHBAR. An Indian mace with a straight handle and six wings in the head. (B. M. Hdbk. 48).

SHUTRNALS. Swivel guns carried by camels, [illegible] century. ([illegible] p. 29).

SIBAK. A kind of Malay knife or sword.

SICA. A short Roman sword. It was either straight or curved, the main object being to have it fit closely to the body under the armpit, hence it was a favorite with assassins. (Burton Sword 252).

SICARII. Hired assassins who used the knife. They are mentioned by both Josephus and Tacitus. (Burton Sword 185).

SICLATOWN. See Cyclas.

SIDE DRUM. The ordinary snare drum, so called because it was hung at the side. (Grose II, 42).

SIDE PLATE. See Contreplatine.

SIDE RING. A ring-shaped guard projecting from the side of a sword hilt. It was first used in the 16th century. (Castle 231).

SIGAGUT. The great Greenland and Hudson Bay harpoon thrown with a spear thrower. (U. S. N. M. 1900, 240).

SILEPE. The Basuto axe. The blade has a wide edge but not much depth. It is connected to the handle by a wide, flat tang. (Burton Sword 93). Fig. 727.

SILIGIS. Wooden javelins, Borneo. They were thrown and the more valuable iron-headed spears were only used at close quarters where there was no danger of their being lost. Compare Sligi.

SILLAH-KHANA, SILLEH-KHANEH. An armory, Rajput. Every Rajput lord had his armory and collection of arms and armor. The keeper of the armory was one of the most confidential officers about the person of the prince. (Tod I, 512).

SILLAHPOSH. Rajput wearing [illegible] (Tod I 592).

SIMBILAN, BAGSACAY. A wooden javelin about half an inch in diameter, used by the Sulu Moros. It is said that they could throw as many as four at once. (Foreman 147).

SIME. The East African sword. The form of this weapon appears to differ in almost every tribe. The Wahumba, or Wamesi, use blades about four feet long by two fingers in breadth; the long, round, guardless hilt is ribbed for security of grasp and covered with leather. Their iron is of excellent quality, and the shape of the weapon has given rise to the report "that they make swords on the model of those of the Knights Templars." (Burton Lakes 478).

Apparently it is the same as the Masai Seme. Fig. 703.

FIGURE 727. *Silepe. Iron head, black wood handle 21 inches long, strengthened by coils of brass wire.*

Senator KENNEDY. Dr. Duff.

STATEMENT OF DR. KARL J. DUFF

Dr. DUFF. Thank you, Senator. It is a pleasure to be here, and it is an honor to address this committee. Let me begin by introducing myself very briefly. I will not belabor the points, since those matters have already been entered into the record.

I will simply say that I have masters and doctoral degrees in public administration. I have a law degree. I am a practicing attorney in Georgia. And I have been active in the martial arts for the last 10 years. Our particular art also utilizes different types of weapons in addition to the empty hand aspects already referenced by Mr. Kelley.

I wish to make one simple point here in the short time available to us, and it is very simple. I have authored a book called "The Martial Arts and the Law". And as I began to do the work for that back in 1981 and 1982, the state of the law in this regard, at the State level, was very embryonic. I could find only two references at that time made by specific statute to these weapons—a reference in New York, and tbat law has already been mentioned here today—and a reference in California. These matters have all been well-discussed. There was some existing case law in this regard, some holding adversely to these weapons and some holding very positively. In Hawaii, there is a body of case law; in Indiana, I believe it is, it is very favorable to these weapons.

Now, since that time, in a very short period of time, 36 to 48 months, it is very obvious to me that a large number of State laws have been passed. We have gone from perhaps 2 to, perhaps, 10 to 12. It is obvious to me as an attorney that State law is evolving very rapidly to meet whatever perceived problems exist. I will not seek to controvert the testimony of these experts from Massachusetts. Perhaps there is a legitimate problem in Massachusetts. But I am not sure that there is a nationwide problem. And I do not believe that there has been testimony, persuasive testimony, to that effect. Certainly, I have not seen any evidence of it in my area down in Georgia

But notwithstanding that, I believe that the States have acted to regulate these implements as they see fit.

The question is, can the States enforce their laws? The opinion rendered here today from some individuals from Massachusetts, for example, is that they cannot; that they are powerless and impotent to do so.

I would submit that the criminal justice process is available and that indictments could be brought for these individuals under existing State laws which prohibit the sales, not only to the individuals who may purchase the weapons, but to the person who may have sent them to them, where they bought them from.

I fail to understand for the life of me why we need to interpose an additional layer of Federal law and possible Federal regulation in this regard, even upon States which have not acted at all, which do not see these things as a threat whatsoever.

Only 10 to 12 States have acted; barely 25 percent of the States in the country. Of those States, only two—arguably, three, possi-

bly—have broad bans. The rest have very minimal restrictions. You have States which ban carrying these things to school. That is a common sense restriction. No one can quibble with that. You have States like Kentucky, for example, who ban the concealed carry of these weapons. It is obvious that you can carry a nunchaku concealed, and that could be hazardous, and that is a reasonable regulation.

But there is a great deal of difference in reasonable regulation and a total prohibition. The use of these weapons, or ancient implements, whatever you want to call them, is possible in a very legitimate context. The nunchaku is considered in most martial arts circles to be a very legitimate and traditional, classical weapon, as is the "bo", which is a very long stick, and the short stick, called the "jo", and some other weapons that you will find at karate tournaments, where they will be displayed in form, with no contact competition whatsoever. Training in these weapons hardly ever involves any contact with another person at all; it is usually in the form of a dance routine called a "kata", or a "form".

I would submit for this committee's consideration that if there is a problem, then that problem is capable of being dealt with by the States every effectively, and indeed, State law is rapidly evolving to meet these problems.

I would submit that if there are no prosecutions under these existing State laws, then perhaps the State authorities are not overly concerned about these matters. If this were a top priority matter or a "hot" priority matter, I for the life of me do not understand why there have not been criminal indictments brought against some of these people who have allegedly violated these laws.

I would submit that instead, we leave the States to chart their own courses. Some States have refused to legislate in this matter at all; the other States which have legislated have legislated very reasonably. Most States have followed the view I advocate in my book. I advocate something that is akin to what we find in California, and that is allowing the ownership or possession of these weapons at one's home, or perhaps at the karate school.

So I think we can carve out exceptions for that, and I simply submit that the bill would be, in my estimation, superfluous.

My time is up.

Thank you for the opportunity to address the committee.

Senator KENNEDY. Thank you.

[Statement follows:]

Dr. Karl J. Duff, D.P.A.,J.D.
Statement to the Senate Judiciary Committee
October 9, 1985

Let me begin by introducing myself. My name is Dr. Karl J. Duff, and I am a martial arts enthusiast. I began training ten years ago in 1975 while attending undergraduate classes at Georgia State University in Atlanta, Georgia. I have trained for the past ten years under the direction of Dr. Geoff Willcher, Ph.D. and have recently been accepted as a student of Dr. U Gyi, Ph.D.,B.L., master instructor of our style of martial art, Bando.

During the past ten years I have been exposed to Burmese, Chinese, Okinawan, Japanese, Korean and American/eclectic systems of personal combat. I presently hold a second degree black belt. I was listed in Who's Who in the Martial Arts (Second Edition). I have published several articles on the martial arts in Black Belt magazine, Karate Illustrated magazine, Inside Kung-Fu magazine and Kick magazine. This year, an edited version of my law school exit thesis was published by Ohara Publications as The Martial Arts and the Law.

I have trained in a number of weapons systems. I initially was fascinated by the nunchaku, but later came to regard it more as an obsolete anachronistic weapon. I have, for the past seven years, studied the use of the long stick ("bo"), the short stick and various knife systems, in addition to my unarmed combat training. I have experience with throwing knives and throwing shuriken, although I am not a practitioner of Ninjutsu.

As for my academic and professional background, I earned my B.A. from Georgia State University in 1975, my Master of Governmental Administration/Master of Public Administration from Georgia State University in 1977, my Doctor of Public Administration degree from the University of Georgia in 1983 and my Doctor of Jurisprudence degree from the University of Georgia School of Law, also in 1983. I am a member of the State Bar of Georgia, and I practice in Woodstock, Georgia, a part of the North Metro Atlanta area.

I am honored to be invited by Senator Thurmond to voice my opinions concerning the pending Kennedy bill. Let me undertake

that process by first addressing what I perceive to be the lack of need for the proposed Bill.

I. The Bill Is Unnecessary

A. State Responses

When I completed the research for what later became my book of the law and the martial arts in 1981-82, I could discover only two state statutes concerning martial arts weapons: California and New York. California continues to take the position that it is proper to possess and use nunchaku at karate schools. However, shuriken sales are viewed as felonies, as are ownership, possession, manufacture and sale of such items. In New York, possession of "chuka-sticks" (presumably nunchaku) and "shirken or Kung-Fu stars" is prohibited.

As we move into the latter half of the 1980's, it is now apparent, according to the materials forwarded me, that other states have also passed legislation concerning these martial implements. I'd like to review those next.

Arizona includes nunchaku as a "prohibited weapon", but has the California exception: it is permissable to possess "for the purpose of preparing for, conducting, or participating in lawful exhibitions, demonstrations, contests or athletic events involving the use of such weapons".

Colorado gives the matter misdemeanor status. If a person knowingly (i.e., malum in se) throws a shuriken or manipulates a nunchaku against someone, he commits a misdemeanor. The same result eventuates when one possesses one of these in public unless the occasion is "in conjunction with an organized school or class". Thus, like Arizona, Colorado has the "California" exception. Colorado also requires that such weapons be transported "in a closed, nonaccesible container".

Kentucky prohibits the concealed carry of nunchaku or shuriken. Like Colorado, Kentucky offers a legal method of transport where the items are inaccesible. The offense is a misdemeanor. Kentucky, therefore, takes a much broader view than Arizona, California, or Colorado, clearly authorizing unconcealed carries through omission of punishment therefor.

Likewise, **Maryland** prohibits concealed carries and adds that persons under 18 in certain counties cannot carry such weapons at night except when on a "bona-fide hunting trip".

Massachusetts has a "carry" law which seems to simply prohibit use of these weapons while the owner is in some mobile state. Thus, one may not walk the streets of Massachusetts armed with a prohibited weapon (nunchaku, manrikigusari or throwing star). Ownership or possession does not seem to be prohibited, however, manufacture and sale are addressed.

Rhode Island does seem to have a blanket prohibition of nunchaku and shuriken.

Virginia, like Kentucky and Maryland, prohibits only concealed carries on nunchaku, shuriken or manrikigusari.

Washington simply prohibits persons under 21 from carrying these items to school premises. Even this minimal and reasonable prohibition has a "California" exception: the prohibition is inapplicable to persons possessing such weapons to be used in martial arts classes conducted on the school premises.

What does all this mean? It means, in my opinion, that only two states have prohibited these weapons (New York and Rhode Island) altogether. Eight states have limited the way in which one may own them. Of these eight, four have the "California" exception allowing use in connection with legitimate martial arts training. Three simply prohibit concealed carries. One, Massachusetts, has a "carry" law without a California exception, while banning the sale or manufacture of such weapons. Nonetheless, even Massachusetts does not prohibit ownership.

Senator Kennedy, representing the State of Massachusetts, seems to believe these anachronistic weapons are a threat to society. He asserts in the Congressional Record that "many states have recently enacted laws that specifically prohibit manufacturing, carrying, selling or possession of certain martial arts weapons". However, as I have just pointed out, only three states have complete bans. Massachusetts prohibits sale, manufacture and carrying (but not, I argue, possession). The balance of states regulating those weapons have done nothing of the sort. Instead, they provide for use in classes, at tourneys, or simply ban them from schools.

Only three states really seem to do what the Senator argues many do. Even if we add the states only allowing them in conjunction with legitimate activity (California, Arizona, Colorado) we arrive at a total of six states. Can we legitimately consider about 10% of the States "many"? Instead, what appears to have happened is that the position I advocate in my book, The Martial Arts and the Law (page 94) has been followed through creation of what I have termed here the "California" exception.

B. Getting At The Scope Of The Problem

I believe the nature of the problem has been grossly overstated. It may well be that there is a problem in Massachusetts. If so, that State may emulate New York or Rhode Island. But, to solve a single State's problem by prohibitive measures at the Federal level seems wasteful, based on my training as a public administrator and in my opinion as a member of the legal profession.

Instead, one should conclude that the several states have addressed the matter with alacrity and with restraint.

The Senator also indicates there are some 100,000 injuries related to the martial arts. However, this is misleading. Almost none of these injuries are weapons-related. Instead, most are bruises, pulls, strains or more serious sparring injuries. Senator Kennedy has also alleged a "substantial" amount of attacks involving the ancient weapons. I have requested a specific number from the Senator's offices, but have received nothing. Examination of FBI data indicates this not to be the case, according to my information. Similarly, I have received nothing from the Senator in response to my requests for specifics vis-a-vis an alleged "significant number of felons using martial arts weapons to commit violent crimes".

I personally am unacquainted with any anti-martial arts weapons movement in Georgia. I regularly interface with law enforcement officials and hear no particular fear of nunchaku-wielding bikers. The officers are, and properly so, more concerned with criminals wielding sawed-off shotguns or illegal automatic weapons, etc.

I personally have not encountered any massive attempts by minors to tote the weapons in question for self-defense or other purposes. Certainly, I find it hard to believe that, as some have alleged, one hundred or more weapons could be seized by a single karate instructor from his or her students. I believe this to be a situation of more "smoke" than "fire", certainly concerning the nation as a whole.

II. Problems With The Bill

At present, the Bill purports to make all sales by mail illegal, since most states have at least some concealed weapons carrying law which could possibly reach those weapons. However, (h)(2)(E) of the Bill would permit sales to most states. This nonetheless leaves a presumption of illegality in place and requires shippers to ascertain state laws which are, as I have pointed out, rapidly shifting.

I believe this to be unnecessarily burdensome and administratively impractical. Most of the State laws referred to above have little or no interpretative caselaw, and many interpretations certainly could be incorrect. However, this imposes quite a financial burden on shippers who are, at present, beginning to police their own industry. To be blunt, the language "in which a sale or transfer would be legal" requires speculative legal opinions, excessive cost and offers no real guide. Under my interpretation of present laws, it is my best opinion (without guidance from caselaw or the Attorneys General of the several States) that only three States would be affected.

Nonetheless, shippers would have the burden of proving to the Post Office that shipments to the other 47 States were proper. Again, this is onerous and unnecessary inasmuch as State law is rapidly evolving to meet these challenges.

Finally, the Bill has no operational plan nor any administrative scheme. Thus, it appears a great effort without substance.

III. Conclusion

It is obvious to me, and, I hope, to this esteemed Committee, that the problem is at present well-handled by the States (if, indeed there is a problem on the scale alleged). I hope you will also conclude with me that this legislation imposes undue and intolerable presumptions of illegality of shipment when the vast majority of States do not see this as a problem and have no legislation at all on this regard.

Again, thank you for the honor of testifying before this Body.

Dr. Karl J. Duff, D.P.A., J.D.
October 9, 1985

Senator KENNEDY. Mr. James.

STATEMENT OF MICHAEL JAMES

Mr. JAMES. Thank you, Senator.

My major concern is the misconception of these items as lethal weapons. They are primarily sports items, now being used in competition in every State. The legitimate use of these items have very few incidents of harm, and are far from being related to a cult, as falsely claimed in a Massachusetts newspaper campaign.

The similarities of the development of these items in sport are not unlike the sport of fencing. Fencing historically taught the art of dueling. Since the practice of dueling has been dropped, fencing has developed into a sophisticated sport now included in the Olympics. The tools of the sport, the foil and various swords, are now considered sports implements.

The martial arts items are in a similar stage of development and can be considered the equivalent of the fencing swords. It should be taken into consideration also that there are rules of competition which include no contact and stress form and skill only. We find that the similarities between classical fencing and the martial arts items to be uncanny.

The evidence against these martial arts items to date, which include the CPSC and other Federal reports, hardly confirm a case for these items to be classified as lethal weapons. Given the nature of criminals, they would hardly choose one of these items simply because it takes too much time to master the skills involved. Many of the current designs in shurikens are far from effective as a dangerous martial arts item. They are not razor-sharp, and in fact, you could not even cut yourself with them. Yes, you can throw them, and they may stick after extensive practice at hitting a target. After practicing hitting the target with a kitchen knife, you could accomplish the same thing.

This bill will affect the sport directly, and will have a profound effect on how the sport is perceived by the general public. The stigma of illegal weapons being used as sports items could severely

damage the credibility of this now nationally growing sport. If we examine the safety records of other sports and recreational activities and the items necessary to play any given sport such as hunting, archery, hockey, baseball, football, track and field, just to name a few, we find that no sport is free of injury, and in many, playing these well-loved American sports exceed injuries of karate.

The ultimate goal in the teaching of martial arts is for the student to evolve mentally, physically, and philosophically. This is achieved through the understanding of the nature and tools of conflict. By contrast, in Western culture, we have a tendency to regulate the forces of conflict, causing a suppression of understanding.

We can learn from cultures much older than ours and observe the success martial arts has played in low crime rates in Japan and China. Both countries teach their youth the martial arts in school. In China, for example, more Chinese than the entire population of the United States practice a form of martial arts called Tai Chi.

I think my point could be best served by reading excerpts from the following article published in Psychology Today, entitled, "The Mild-Mannered Bruce Lee."

> The dramatic rise in the popularity of the martial arts has resulted in expressions of concern by some psychologists, law enforcement officials and the general public, based on the assumption that training in the martial arts inevitably leads to increased aggressiveness on the part of the martial arts practitioner. This assumption is strongly supported by the numerous motion pictures and television movies that sensationalize violence in the form of martial arts expertise.
>
> Scientific evidence, however, supports the hypothesis that martial arts training results in a decrease, rather than an increase, in aggressiveness.
>
> We also found that people who continue to practice the martial arts for prolonged periods are different from the general population in several ways: They have a lower level of anxiety, an increased sense of responsibility, a decrease in the willingness to take risks, and they are less likely to be radicals; they have also an increased level of self-esteem, and they are more socially intelligent.
>
> Indeed, in a related study we found that teenagers who have been in trouble at school, home and with the law, due largely to their aggressive nature and lack of respect for the rights and property of others, changed dramatically after a few months of practice in Tae Kwon Do.

That concludes Psychology Today.

The benefits of martial arts training and the implements and tools of the teachers of martial arts should not be looked on as dangerous martial arts weapons, but as useful training implements. We are not regulating butcher knives, baseball bats, hockey sticks, or football helmets.

Why are Asian sport and training implements being regulated? The singling out of these Asian martial arts tools is discriminating and damaging to the Asian culture, when there are so many other domestic items of record that exceed martial arts items in injuries and misuse.

Thank you.

Senator KENNEDY. Thank you.

[The prepared statement follows:]

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Publishers of BLACK BELT, KARATE ILLUSTRATED and FIGHTING STARS Magazines

October 10, 1985

The following enclosed letter of testimony is respectfully submitted by Michael James, Publisher of Rainbow Publications, Inc., and assistant Publisher of Ohara Publications, Inc.

Re: Senate Bill S-1363

My major concern is the misconception of these items as lethal weapons. They are primarily sport items now being used in competition in every state.

I have yet to hear of a bank hold-up with a nunchuck or freeze, or "I'll nail you with this shuriken." The legitimate use of these items has very few incidents of harm or danger and are far from being related to a "cult" as Mr. Larry Kelley has so pointed out.

The similarities of the development of these items in sport are not unlike the sport of fencing. Fencing historically taught the art of dueling. Since the practice of dueling has been dropped, fencing has developed into a sophisticated sport now included in the Olympics. The tools of the sport, the foil and various swords are now considered sport implements.

The martial arts items are in a similar stage of development and can be considered the equivalent of the fencing swords. It should be taken into consideration also that there are the rules of competition which include no contact and stress form and skill only. We find that the similarities between classical fencing and the martial arts items to be uncanny.

The evidence against these martial arts items to

date, which include the C.P.S.C. and other federal reports, hardly confirms a case for these items to be classified as lethal weapons. Given the nature of criminals, they would hardly choose one of these items simply because it takes too much time to master the skills involved.

Many of the current designs in shurikens are far from effective as a dangerous martial arts item. They are not razor sharp, in fact you couldn't even cut yourself with them. Yes, you can throw them and they may stick after extensive practice at hitting a target. After practicing hitting the target with a kitchen knife, you could accomplish the same thing.

This bill will not effect the sport directly, it will have a profound effect on how this sport is preceived by the general public. The stigma of illegal weapons being used as sport items could severely damage the credibility of this growing sport. If we examine the safety records of other sports and recreational activities and the items necessary to play any given sport, such as: hunting, archery, hockey, baseball, football, track and field, motor cross, car racing, demolition derbies, darts, sky diving, mountain climbing, no sport is free of injuries and in many, playing these well-loved American sports exceed injuries of Karate. In fact, the risk of injuries during weapons form competition is on a par with or greater than the "safer" sports now practiced in this country. Since there is no contact allowed, the risk involved is related directly to the skill of the competitor and unforseen accidents have been few to date, and no serious injuries have occured to my knowledge.

The ultimate goal in the teaching of martial arts is for the student to evolve mentally, physically and philosophically to the point where the use of the martial arts is not necessary. This is achieved through understanding the nature and tools of conflict. Contrarily in Western culture we have a tendency to simply try to regulate the forces of conflict, causing a suppression of understanding.

We can learn from cultures much older than ours and observe the success martial arts has played in low crime rates in Japan and China. Both countries teach their youth the martial arts in school. In China, for example, more Chinese than the entire population of the United States practice a form of martial arts called Tai Chi. BLACK BELT magazine has expounded for years on this principle, the more you know about the discipline and philosophies of martial arts, the less likely you are to use them.

I think my point could best be served by reading excerpts from the following article published in PSYCHOLOGY TODAY (see attached sheet).

The benefits of martial arts training and the implements and tools of the teachers of martial arts should not be looked on as dangerous martial arts weapons, but as useful training implements. We are not regulating butcher knives, baseball bats, hockey sticks, football helmets. Why are Asian sport and training implements being regulated? The singling out of these Asian martial arts tools is discriminating and damaging to the Asian culture, when there are so many other domestic items of record that exceed martial arts items in injuries and misuse.

Senator KENNEDY. Mr. Rhee.

STATEMENT OF JHOON RHEE

Mr. RHEE. I am here to testify my view, Mr. Chairman, as a martial artist for 40 years and serving as a Special Consultant to the President's Council on Physical Fitness and an Advisory Council Member on the International Educational Program for the U.S. Department of Education.

My main issue is the constitutional issue. I am here as an American citizen in response to the famous Presidential order by John F. Kennedy: "Ask not what your country can do for you, but ask what you can do for your country." This is the reason why I am here today.

I was born in Korea, and have lived in America since 1956. I adopted America as my permanent home in 1973 because of the freedom I enjoyed. I thought my right to bear arms had been guaranteed by our Constitution.

Nunchaku is not even an arm, but is a popular sports equipment. I really feel that this bill is a very unreasonable one.

And if George Mason were here with us today, he would be a very sad man. The architect of our Bill of Rights, George Mason, put it this way: "Liberty is the gift of God, not government, and

the purpose of the government is to protect that liberty, not to destroy it."

I understand that the purpose of the bill is to protect the public safety. However, I am afraid that this bill merely will eventually lead to eliminate the martial arts sports, period. How do I know this committee might not introduce another bill to ban martial arts for the same reason of this bill?

In our times of increasing crimes of violence, hedonistic sexual insanity, multibillion dollar pornography industry, and confused family structure caused by high divorce rate and unmarried teenage pregnancy, let us be reminded of the history of the stirring words of warning by Daniel Webster, which he spoke on a George Washington's birthday on February 22, 1852, as follows:

> If we and our posterity reject religious instruction and authority, violate the rules of eternal justice, trifle with the injunctions of morality, and recklessly destroy the political Constitution which holds us together, no man can tell how sudden a catastrophe may overwhelm us, that shall bury all our glory in profound obscurity."

Unfortunately, unless the present leadership of this generation returns to their Founding Fathers' basic moral and family values, I am afraid that the history of Daniel Webster's warning is being written at this very moment. I sincerely believe that Daniel Webster's warning is targeted at bills like the Kennedy martial arts bill, which prohibits millions of martial arts lovers a basic right that has been guaranteed by the second amendment of our Constitution.

I sincerely hope that my humble suggestion is to spend our energy to improve on people's basic education, particularly in moral issues in the primary and secondary schools, instead of adding countless number of new laws that are complicated and costly to enforce. We all know that it is impossible to maintain our social order without good morality of the people.

I think many symptoms are caused by one cause: the basic education of people in morality. I hope we will put more energy into enforcing moral issues in our educational system.

Thank you very much, sir.

Senator KENNEDY. Thank you very much, Mr. Rhee.

[The prepared statement follows:]

JHOON RHEE
INSTITUTE of TAE KWON DO, INC.
6210 CHILLUM PL., NW ★ WASHINGTON, DC 20011 ★ (202) USA-1000

October 10, 1985

Senator Strom Thurmond
Committee on Judiciary
218 Russell Senate Building
Washington, D.C. 20510

Dear Honorable Senator Thurmond:

I am writing you about #S1363, the so-called "Kennedy Martial Arts Bill", because that bill might adversely affect the ten million Americans who practice Martial Arts -- and have no more perceptible effect on crimes or accidents than a baseball bat, pocket knife or any metal chain that can easily be purchased at any hardware store. Nunchaku, for instance, is a simple farm tool used by farmers in Asia for centuries. When Japan occupied Okinawa, the authority prohibited the possession of any weapon but the nunchaku was not banned.

It is very hard to believe that the United States of America, the freest nation in the world, is prohibiting the possesion of Nunchaku, one of the most popular Martial Arts sports equipment. Nunchaku is nothing but two twelve-inch long pieces of wood connected with one-inch long chord.

I was born in Korea, and lived in America since 1956. I adopted America as my permanent home in 1973, because of the Freedom I enjoy. I thought my right to bear arms have been guaranteed by our Constitution. Nunchaku is not even an arm, but is a popular sports equipment. I really feel that this bill is a very unreasonalbe one; and if George Mason is here with us today he would be a very sad man. The architect of our Bill of Rights, George Mason put it this way:

"LIBERTY IS THE GIFT OF GOD -- NOT GOVERNMENT -- AND THAT THE PURPOSE OF GOVERNMENT IS TO PROTECT THAT LIBERTY -- NOT TO DESTROY IT."

I understand the purpose of the bill is to protect the public safety. However, I am afraid that this bill merely will eventually lead to eliminate the Martial Arts Sports. How do I know Senator Kennedy will not introduce another bill to ban Martial Arts, for the same reason of this Bill.

In my personal observations of the last thirty years of American history, America has been influenced by a movement that

emphasizes on physical not mental issues. Our country have been loosening the laws of metaphysical issues but making it very tight for the laws of physical issues. For instance, there are many rock music with untolerable lyrics which can be serious against our children. Why don't our Congress do something about it? Our Congress worries about Nunchaku which may break a bone or two at the worst; yet doing nothing about the poisonous words. Our children don't even have to buy them, they just invade the ears of everyone, and that invasion can destroy the minds of millions of our children.

In our time of increasing crimes of violence, hedonistic sexual insanity, multi-billion dollar pornography industry, and confused family structure caused by high divorce rate and unmarried teenage pregnancy, let us be reminded of the history of the stirring words of warning by Daniel Webster, which he spoke on a George Washington's Birthday on Feburary 22, 1852 as follow:

"...IF WE AND OUR POSTERITY REJECT RELIGIOUS INSTRUCTION AND AUTHORITY, VIOLATE THE RULES OF ETERNAL JUSTICE, TRIFLE WITH THE INJUNCTIONS OF MORALITY, AND RECKLESSLY DESTROY THE POLITICAL CONSTITUTION WHICH HOLDS US TOGETHER, NO MAN CAN TELL HOW SUDDEN A CATASTROPHE MAY OVERWHELM US, THAT SHALL BURY ALL OUR GLORY IN PROFOUND OBSCURITY."

Unfortunately, unless the present leadership of this generation returns to their Founding Fathers' basic moral and family values, I am afraid that the history of Daniel Webster's warning is being written at this very moment. I sincerely believe that Daniel Webster's warning is targeted at bills like Kennedy Martial Arts Bill which prohibits millions of Martial Arts lovers, a basic right that has been guaranteed by the Second Amendment of our Constitution.

As a Martial Artist, I am serving as a special consultant to the President's Council on Physical Fitness, and an advisory council member on the International Education Program of the U.S. Department of Education. My humble suggestion is to spend our energy to improve on basic peoples' education, particularly in moral issues in the primary and secondary schools, instead of adding countless number of new laws that are complicated and costly to enforce. We all know that it is impossible to maintain our social order without good morality of the people.

I sincerely hope that my humble suggestion will be taken into consideraton not to take away our freedom, the gift of God the Creator -- not the government. I understand that I was denied to express my point on the bill at the hearing. I hope you will reconsider to grant me an opportunity for my voice to be heard by the public.

Sicerely Yours,

Jhoon Rhee

Senator KENNEDY. Mr. Rhee, do you teach in your own Institute the skills of these throwing stars?

Mr. RHEE. No, sir. I am personally against all of these weapons. That is why I do not teach any of these weapons.

Senator KENNEDY. Why are you against these weapons?

Mr. RHEE. Because they could be dangerous, could be misused. But I think if we pass this law, we may be winning the battle but we may be losing the war, from the constitutional point of view.

Senator KENNEDY. But you consider these items, these weapons here, to be dangerous, do you?

Mr. RHEE. Well, the butcher knife is dangerous, and the baseball bat is dangerous. I think if we ban this equipment, then we should ban all sports equipment.

Senator KENNEDY. I imagine a baseball bat has some utility in playing baseball, and I imagine the butcher knife has some utility in the kitchen. I am wondering what the utility of these stars is.

Mr. RHEE. Well, they are sports equipment, just like a baseball. And I think nothing is good or evil until the purpose, how we use it, and that purpose can be determined by educating the people's hearts.

Nunchaku is not committing a crime, but the minds of the people are. So we should be going to the basic cause of why we are facing this problem today.

Senator KENNEDY. But as I understand, you do not teach the star-throwing?

Mr. RHEE. No, sir.

Senator KENNEDY. Do you teach the chains?

Mr. RHEE. No, sir; again, I am not being very personal. I am just pointing at the issues.

Senator KENNEDY. Let me ask you a question. Do you think we ought to repeal the switchblade law that is on the books now, that prohibits the use of switchblades in the mails?

Mr. RHEE. Well, I do not know that bill exists——

Senator KENNEDY. We do not permit switchblades to be transported in the mails. And that is because they are considered to be a public danger, could be used——

Mr. RHEE. Well, I think everything can be dangerous. I think eating the food in the cafeteria, prepared by somebody unknown, is very dangerous.

Senator KENNEDY. That is right. So, do you want us to repeal the meat inspection? Do you want us to repeal inspection of any of the restaurants?

Mr. RHEE. I am against all those bills. I think we should educate the people so they do not misuse, because they are not causing any problems. Poison is not poison until we drink it. And so I think teaching the people is the basic issue of our problems.

Senator KENNEDY. OK. Mr. James, I was just looking through some of your publications. You were talking about the fact of these stars not being dangerous, or sharpened, I believe—is that your testimony?

Mr. JAMES. They are not razor sharp.

Senator KENNEDY. Well, you had better check your ads. This is one of your publications, and the ads here, for example, "the heavy Ninja star . . . all eight inches are hand-ground sharp." That is re-

peated in your other publications, "Karate," this publication—I have three of them up here. And let the record show that "handground"—is lettered in the ad with blackened figures to catch the eye, "handground sharp"—it says, in your own publications.

Mr. JAMES. Well, I think before you, you will see copies, I think, of just about every shuriken you can get through ads in "Black Belt"—Mr. Kelley brought some in as well—and there is not a one of them up there you can cut yourself with, and that was what I was trying to point out, that holding them in your hand, you could not hurt yourself or cut yourself with them. They would have to be thrown.

Senator KENNEDY. Well, evidently, the advertisements that you have—I was going through your testimony on some of these matters—I would think that you might take a look at the testimony and the language on some of these advertisements.

Dr. Duff, I was somewhat perplexed listening to your testimony. Have you read the legislation?

Dr. DUFF. Yes, I have.

Senator KENNEDY. Well, does this legislation prohibit a martial arts school from selling any of this equipment in Georgia?

Dr. DUFF. Well, there is a question about that.

Senator KENNEDY. Well, just answer. Does it or doesn't it?

Dr. DUFF. Well, my answer was there is a question about that. Now, the question would be this. Is it an illegal weapon or not? For example, the courts in Georgia have apparently not ruled on the propriety of a nunchaku as a particular kind of weapon. If you go to Texas, for example, you look at the case law in Texas——

Senator KENNEDY. It is a broad law. That is a State law. It is going to be left up to the State. That is Georgia.

Dr. DUFF. There is—to answer part of your question——

Senator KENNEDY. I mean, I am trying to find out whether your argument is with us or whether your argument is with Georgia.

Dr. DUFF. Well, the argument is with——

Senator KENNEDY. Because we have nothing—if Georgia wants to sell these in martial arts schools, they can go ahead and do it, and do not suggest by your testimony that they are not going to be able to do it. I mean, certainly, the insinuation that you get is if you pass this legislation, it is going to be prohibited from being sold anyplace in Georgia just because some States like Massachusetts have a problem. That is a complete distortion about the thrust of the legislation. I mean, I do not mind—everybody can make their own pitch on this thing. But I did not understand the legislation listening to you describe it.

Dr. DUFF. If I may followup, I believe my disagreement is that a lot of States are addressing this issue, and I think that this bill may simply be unnecessary. That is really the point that I am making. I am not asserting that this will ban sales in all States. What I am saying is that there is a rapidly developing and evolving body of State law which I argue can address this matter.

Senator KENNEDY. Are you opposed to pornography going into Georgia through the mails?

Dr. DUFF. Well, I am opposed to pornography under any circumstances.

Senator KENNEDY. OK. Are you opposed to pornography being sent in the mails, going into Georgia?

Dr. DUFF. I am opposed to pornography under any circumstances. I answered that question.

Senator KENNEDY. Why can't Georgia handle that problem?

Dr. DUFF. Well, I think there have been notable attempts in Atlanta by Mr. Slayton, our solicitor, in that neck of the woods, and he has handled that problem quite effectively, and a lot of that stuff is off the newstands.

Senator KENNEDY. Well, I would just suggest that if there are particular recommendations you want to make so that it is absolutely clear about what we are attempting to do in terms of the use of the mails, and you feel that there are word changes or language changes so we are not going to have a prohibition in the sale of these materials within the States in martial arts schools, it seems to me that this may very well turn out to be a bonanza for martial arts schools. I do not intend to be an expert in it, because they are obviously going to be the ones that are going to be able to sell them in terms of the States, and if the States want to do something about it, they will be able to address that. I am not asking you to agree on that, but I would just suggest that if you have language changes in terms of how you think outside of the mail order aspects of this legislation, why you think that there could be a misconstruction of various words, I would certainly welcome those.

Dr. DUFF. Thank you, Senator.

Senator KENNEDY. Yes, Mr. Rhee.

Mr. RHEE. As to comparing the pornography and nunchaku, I think pornography deals with a moral issue, and nunchaku is just the physical. I think is causing criminal problems in our society. And I do not think we should compare the mailing of pornography, which damages the minds of the people, not really breaking bones or anything. So I do not think it is really quite the same issue.

Senator KENNEDY. Mr. Halbrook, is there anything in this legislation—I understand you are representing the Cutlery Association, is that correct?

Dr. HALBROOK. Yes, that is correct.

Senator KENNEDY. Is there anything in here that applies to knives?

Dr. HALBROOK. I believe there would be. The shuriken——

Senator KENNEDY. Well, let us go to page 4 of the bill, lines 4 through 6. It says, "The term 'dangerous martial arts weapon' does not mean any knife, sword, or ceremonial or collectors weapon that is otherwise mailable under this section."

Dr HALBROOK. Well, "shuriken" is defined classically "as a knife made for throwing in Japan". The last page of my written comments, includes a photocopy from a book which shows that a shuriken may have every appearance of a regular knife, and is even similar to a butcher knife. So that is a shuriken, classically, in Japan. And if we are banning shurikens, then definitely there would be an impact on many kinds of cutlery.

The way shuriken is defined here could also be construed as including a classical Indian tomahawk, which has a spike on one side and the regular blade on the other.

Senator KENNEDY. So you are most concerned about the throwing knives?

Dr. HALBROOK. That is an area of concern, as far as I am representing the committee. I am also giving my own comments as a martial artist, and that is personal. But in terms of the definition of shuriken, California's definition is more narrow, and you might want to take a look at that.

Senator KENNEDY. Well, as I say, I would welcome a suggestion about how you can deal with that particular item. If the industry feels that this is a problem, I more than welcome the kind of suggestion you might have to deal with the association's concerns. We might not be able to resolve all your concerns, but maybe with regard to the industry, if this is a matter of concern to them, if you have some suggestion about that definition, we would certainly welcome whatever specific recommendations you might have as to language.

Dr. HALBROOK. We appreciate that.

Senator KENNEDY. Senator Simon?

Senator SIMON. Thank you, Mr. Chairman.

My own inclination is that we ought to take the recommendation of the Justice Department earlier this morning and state that just say regardless of State laws, you cannot be shipping these things through the mail.

Mr. James—and Dr. Nardi, I assume that is your 9-year-old son, the young boy that you brought with you today——

Dr. NARDI. Yes, Senator.

Senator SIMON. Mr. James, does it bother you at all that a 9-year-old boy can order things through the mail, can order one of these stars, can order one of these lethal weapons through the mails? Does that bother you at all?

Mr. JAMES. I think with correct supervision and proper instruction, I have no problem with it at all.

Senator SIMON. Well, that is a pretty major qualification.

Mr. JAMES. We stress that in our magazines quite often.

Senator SIMON. First of all, I would be interested if you would, for the record, provide where you stress that in your magazine——

Mr. JAMES. It is a philosophical concept, basically.

Senator SIMON. Do you think it is wise to permit the 9-year-olds to get these weapons through the mail?

Mr. JAMES. If there is proper instruction, I believe that it is fine.

Senator SIMON. Well——

Mr. JAMES. Dr. Nardi is a regular writer for Fighting Stars and Black Belt magazines, by the way, and his views are often read by our readers as well as anybody else. I would just add that for the record. And he has come out, and we have also published things on the movie industry as well, and his contempt for it. And that was illustrated quite boldly by, I think, our company and "Inside Kung-Fu," Curtis Wong. We dropped the martial arts movie magazines altogether; they were not supported by the kids and the young martial artists. So there is a kind of discrepancy there on the support for children, or any martial artists at all, liking the martial arts movies.

Senator SIMON. Chris, can you hand me that thing that you hold in your fist, with the nails?

What about this thing, now?

Mr. JAMES. That was traditionally used as a climbing tool by ninjutsus, in the art of ninjutsu. You will find similar things like that——

Senator SIMON. How many people who get this do you think use it as a climbing tool?

Mr. JAMES. I assume that the people who buy that will use it for that.

Senator SIMON. For that purpose?

Mr. JAMES. A part of ninjutsu training is climbing.

Senator SIMON. You have a great imagination, Mr. James, if you think people who buy this are going to use it for a climbing tool. It just seems to me that that is the kind of thing that we clearly ought to be banning.

And to the two witnesses who say, "Well, this can be dealt with by the States"—the States do not control the mails. It seems to me that we ought to take weapons like this and say—and that is what that is; it is not a "climbing tool"—I think we ought to say you cannot send that through the mails. And I am not picking on your son here, Doctor. But I do not want 9-year-olds in Illinois or Massachusetts or anywhere else getting these kinds of things through the mail. I think somehow we ought to be able to get control of it.

I have no further questions, Mr. Chairman.

Senator KENNEDY. I want to thank you all very much for appearing here this morning. We are grateful for your testimony.

We will include Senator Thurmond's statement, who has been necessarily absent but is strongly committed on this, and also, other members of Congress whose statements have been submitted, as well as other materials which I will provide will be included in the record.

[Statements follow:]

PREPARED STATEMENT OF SENATOR STROM THURMOND

We are here today to specifically focus on S. 1363, a bill to restrict the use of the United States Postal Service in sending certain martial arts weapons into states in which the sale or transfer of such items is illegal under state law.

The surge in popularity of martial arts has led some states to enact legislation to keep dangerous martial arts paraphernalia out of the hands of children. The sale and distribution by mail of dangerous martial arts weapons that are outlawed by states is a growing problem affecting the health and safety of citizens throughout the country, especially young people. Despite the fact that these states have enacted laws to prohibit the manufacture, sale, and possession of certain martial arts weapons, razor-sharp throwing stars, kung fu killing sticks, and a variety of other illegal instruments continue to be shipped through the United States mail.

The distribution of these illegal devices goes unchecked because existing Federal postal regulations—which already prohibit the mailing of certain firearms, explosives, switchblades and other dangerous articles—do not specifically prohibit sending martial arts weapons through the mail.

S. 1363 provides a modest but important revision to the existing ban on the mailing of dangerous items. The amendment will reduce the availability of specified weapons to children, gangs and criminals.

This bill has been carefully drafted to protect the legitimate interest of sports enthusiasts and collectors and, at the same time, supports those states that have laws restricting the sale or transfer of such items. The bill accomplishes this important balance in several ways. First, the bill specifically applies to only three types of martial arts weapons. Second, the bill expressly excludes any "knife, sword, or ceremonial or collector weapon." Third, even the restricted weapons may be conveyed by mail "in a State in which a sale or transfer would be legal under the laws of

such State." Accordingly, this bill would not impact the nearly 40 states which have no restrictions on the martial arts weapons covered by this bill.

This bill and today's hearing are not intended to challenge the legitimacy of martial arts as a recreational sport. Nor does S. 1363 outlaw the use of any martial arts weapon. That decision is left to the states. I believe that where the states have made such decisions, Congress should not stand idle while the United States mails are used to evade the state laws. The Federal Government should recognize a state's right to enact laws governing state matters and should assist the state by preventing the circumvention of state law through the use of the United States Postal Service. This measure will serve an important law enforcement function by assisting the state authorities in the enforcement of state laws.

I realize that strong feelings exist with regard to this issue. I believe that the bill as it is drafted is a sound proposal and should be acceptable to all interested parties.

It is my hope that martial arts enthusiasts concerned about public safety and the undeserved reputation that illegal weapons give their sport, will join law enforcement officials in supporting this legislation.

PREPARED STATEMENT OF REPRESENTATIVE OLYMPIA J. SNOWE

Mr. Chairman, I would like to thank you for the opportunity to submit testimony in support of S. 1363. As you know, I have introduced similar legislation, H.R. 3259, in the House of Representatives, along with ten of my colleagues.

I am concerned with the growing popularity and ready availability of martial arts weapons that can be used to maim and destroy. The current glamorous depiction of these weapons in the media has attracted the interest of many school-aged children. Also attracted to these weapons are criminals and members of youth gangs who use them to prey upon each other and innocent citizens. At prices as low as $10, these weapons are easily afforded by minors.

Some states have already sought to remedy this situation by enacting laws to regulate dangerous martial arts weapons. However, these attempts to control the sale of dangerous martial arts weapons are frustrated by their ready availability through mail order sales.

This legislation would amend existing postal regulations to ban mail order sales to states which outlaw or regulate these dangerous martial arts weapons. This legislation would also encourage other states to take action to regulate these weapons. I strongly feel this legislation is needed to curtail the availability of these dangerous weapons.

Again, thank you for the opportunity to submit testimony on this important legislation.

MASSACHUSETTS, *October 16, 1985.*

DEAR SENATOR KENNEDY: I am writing to commend your sponsorship of S. 1363, a bill to prohibit the use of the mails to send dangerous martial arts weapons. The proliferation of possession of martial arts weaponry in our state among minors is alarming. The sudden surge in popularity of these weapons among minors is attributed to the popularity of "Ninja" movies which depict a revival of a group of assassins prevalent in 16th Century Japan.

The Massachusetts legislature has enacted laws that make both manufacture and possession of the aforementioned weapons a felony. However, double edged knives, switchblades, razor sharp throwing stars (shurikens), wooden clubs (nunchaku), crossbows and a variety of other instruments designed to hurt or kill continue to be shipped into our state via the U.S. Postal Service. The inflow of these devices goes unchecked, because the postal regulations which do not prohibit mailing such weapons are subject to federal law.

The State legislature has enacted the most potent legislation possible for prohibiting these weapons from becoming the lethal playthings of our youth but the inability to prohibit access is crippling our effort. I ask your assistance for our Commonwealth and the other states of the union by taking action on the federal level to prohibit the transport by mail of this contraband weaponry into a state where possession is illegal.

I am hopeful that through the cooperative effort of state and federal government these weapons will attain notoriety solely for being artifacts of an ancient culture rather than being the deadly playthings of our children.

Sincerely,

JOHN W. OLVER, *State Senator.*

STATEMENT OF CAPT. JAMES BREWER, U.S. ARMY

Being involved in martial arts since 1969, as a student, and a teacher, I've seen a lot of changes in the martial arts in the past several years. One of the most damaging changes has been the mail order availability of martial arts weapons. I fully support Senator Kennedy and Senator Thurmond's bill to limit and control the flow of mail order martial arts weapons. I disagree completely with the editorial in Black Belt magazine which opposed the bill, and I believe that the bill if it were to become law will greatly benefit responsible martial artists who are trying to train students under the law and have respect for the law.[1]

My feeling is that unless one has something to hide or something to fear, this bill poses no threat to a lawabiding citizen. I appreciate the efforts of the Senate to look out for children. My own children practice martial arts, but I allow them to do so only under my close supervision and training.

The right of martial artists to train with their various historic weapons in legitimate dojos should be preserved.

[1]Captain Brewer stresses he speaks as a private citizen, not on behalf of the U.S. Army.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133
722-1532

HON. JOHN W. OLVER
FRANKLIN AND HAMPSHIRE
DISTRICT
(Res.) P.O. Box 660
Amherst, MA 01002
256-6043

COMMITTEES:
Taxation (Chairman)
Ways and Means
State Administration
Energy
Counties
Transportation

October 17, 1985

Senator Edward M. Kennedy
113 Russell Senate Office Building
Washington, DC 20510

Dear Senator Kennedy:

I have enclosed a copy of my letter of support for S.1363, which prohibits the mailing of martial arts weaponry.

My staff dictated this letter to Sandra Walker on October 16th, who so generously offered to try to get it to the hearing in order to have it read into the record.

Thank you for alerting me to this opportunity to support this legislation, which is so important for our state. I would appreciate your office continuing to keep us informed of the progress of this legislation. If there is any additional effort that I can put forth on behalf of this bill, please contact my office.

Sincerely,

John W. Olver

John W. Olver
Senator

JWO:KC,sds

Enclosure

LEXINGTON EYE ASSOCIATES, INC

99 WALTHAM STREET
LEXINGTON, MASS. 02173
TELEPHONE 862-6200

280 MASS AVENUE
ARLINGTON, MASS. 02174
TELEPHONE 646-1620

JOHN CUMING BUILDING
EMERSON HOSPITAL
CONCORD, MASS. 01742
TELEPHONE 369-1310

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WM. P. BOGER III, M.D.
JOHN H. TENPAS, M.D.
ORTHOPTIST
SUSAN KETTERINGHAM

October 22, 1985

Senator Edward M. Kennedy
113 Russell Street
Senate Office Building
Washington, DC 20510

ATT: Mr. Nicholas Allard

Dear Mr. Allard:

As we discussed in our phone conversation of October 17th, 1985, I wholeheartedly support control of the mail order sale of dangerous marshall art weapons.

It is apparent that these weapons are being glamorized and promoted as play things and toys, rather than the potentially maiming, blinding, and killing weapons they actually are. It is obvious, even to the casual observer, that marshall art weapons have a long history of design and development as efficient weapons for combat. These weapons should be placed in the same category as fire arms.

The argument that a large body of data concerning actual injuries incurred should be collected before any action on regulation is considered is not valid. There are public health hazards which are apparent from their very nature. For example, if a prudent person saw an open elevator shaft, it would not be necessary to see how many people inadvertently fell down the elevator shaft in a long-term study before realizing that a potential public health hazard existed and appropriate barriers should be erected.

Sincerely yours,

Paul F. Winger, M.D.

PFW/pa
CC: Ed H. Hall
National Society to Prevent Blindness

Michael S. Dukakis
Governor
Charles V. Barry
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety
One Ashburton Place
Boston, Massachusetts 02108

October 21, 1985

Honorable Strom Thurmond
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman and Members of the Committee:

Please record me in strong support of S.1363, an act to prohibit the use of the mails to send dangerous martial arts weapons.

Massachusetts and several other states have enacted laws that prohibit the manufacture, sale and possession of martial arts weapons such as shurikens, nunchakus, and fighting chains. The immediate problem for this state is a loophole in the federal postal regulations which do not specifically prohibit sending such weapons through the mail; the result is a plethora of advertisements in popular magazines for the purchase of martial arts weapons. The U.S. Postal Service needs expanded authority now, before we add to the thousands of injuries occurring yearly to young persons enthralled with the ninja "craze".

This legislation presents an important step forward to reduce the availability of dangerous martial arts weapons which have little utility in a controlled environment, and none with unsupervised children. I urge a favorable report by your Committee.

I appreciate the opportunity to comment on this legislation. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Charles V. Barry
Secretary of Public Safety

CVB/mrh

1515 K Street, Suite 600
Sacramento, California 95814
(916) 324-5437

3580 Wilshire Boulevard, Suite 800
Los Angeles, California 90010
(213) 736-2273

State of California

Office of the Attorney General

John K. Van de Kamp
Attorney General

October 31, 1985

Honorable Edward M. Kennedy
United States Senator
113 Russell Senate Building
Washington, D.C. 20510

Dear Senator Kennedy:

Senate Bill 1363

I have made a preliminary review of Senate Bill 1363 dealing with the use of the United States mail to sell martial arts weapons. My initial reaction is favorable. The Bill would provide effective assistance in stemming the flow of illegal weapons into California without imposing any federal mandates as to which weapons should be prohibited.

My staff is currently making an in-depth analysis of the Bill which will be processed through our Legislative Unit. Any minor technical concerns will be dealt with during that process and the final analysis will be made available thereafter.

My office has a continuing interest in any proposed federal legislation which might have an impact on the use, possession or transportation of dangerous weapons. If my staff can be of any assistance in the future, please feel free to contact Deputy Attorney General Robert C. Schneider ((213) 736-2257).

Very truly yours,

John K. Van De Kamp
Attorney General

dm

MARTIAL ARTS PRACTITIONERS VIEWS

Letters in Support of S. 1363:

-- Larry F. Giordano, New England Kyokushin Karate Organization
-- Paul Arel, Director, International Kokondo Association
-- Tony Cogliandro, Revere Karate Academy
-- Dr. Roger Paden, Department of Philosophy, University of Florida, Gainesville
-- Larry Kelley

General Comments:

Daniel Craig, Houston martial arts master, New York Times, February 8, 1984:

> "...I wouldn't let my kids have them, and I'm in the business."

Steve Jones, star of "American Ninja", October 15, 1985:

> "Martial arts is not about being a tough guy. Its about staying away from trouble and learning inner peace. And the use of martial arts equipment without the guidance of a qualified trainer is not something children should attempt."

John Overton, Buffalo karate instructor, The Morning Union, June 10, 1985:

> "It's getting to be a hassle in the streets."

Dr. Thomas Nardi, child psychologist and martial arts practicioner, "Black Belt," December, 1984:

> "In the martial arts, they seem to have a special consumer war of supply and demand. The greater public demand for a martial art, the greater the number of quick-buck artists and phonies who will appear."

Captain James Brewer, U.S. Army, black belt in Tae Kwon Do, "Tae Kwon Do Times", November, 1985

> "In spite of the law and the potential of prosecution for the possession of a deadly weapon, police officers in Colorado Spring and all around the country still remove tremendous numbers of martial arts weapons from the suspects they arrest."

Arthur Sapp, instructor, Police Training Academy, Colorado Springs, Colorado, "Tae Kwon Do Times," November, 1985

> "If you are going to places where you need nunchakus, knives or spears to protect yourself, what are you doing there in the first place? If (someone) is wearing a belt buckle with a push-button device that releases two or three shuriken, what do you suppose he's going to do with a device like that?"

Black Belt Magazine, December, 1984

> "Potentially lethal hardware such as throwing stars, darts and kyoketsu-soge (double-edged aluminum blades) are relatively simple to procure by mail."

MICHAEL DUDIKOFF*--STATEMENT

Through my work with ninja weapons, I Have gained a great deal of respect and dedication for the specialized art of ninja. These weapons are not toys; I regarded them as lethal weapons. I have realized with extensive training even the professionals get hurt. I am against the sale of all ninja weapons on a mail order basis. I think any sale of ninja weapons should be to those who study and train in the arts of ninja.

*Star of: American Ninja
Bachelor Party
Radioactive Dreams
Star of the Family (television)

Contact Sid Craig, agent for Michael Dudikoff -- (213) 655-0236

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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510

October 23, 1985

Dr. Steven R. Schlesinger
Director, Bureau of Justice Statistics
United States Department of Justice
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Dear Dr. Schlesinger:

Senate bill S. 1363 would prohibit mail-order sales of certain dangerous martial arts weapons that are restricted or prohibited by many states. The ban would apply to three types of weapons:

(1) nunchakus, also known as Kung Fu sticks or fighting chains, consisting of two or more wood, plastic or metal sticks connected at one end by a length of rope, chain, wire or leather;

(2) shuriken, also known as throwing stars, which are pointed star like metal objects intended to injure a person when thrown; and

(3) manrikigusari, known also as fighting chains, consisting of chains having weighted or spiked ends.

This legislation responds to public safety concerns that these lethal but inexpensive weapons are readily available to children and youth gangs. In addition, police throughout the country and news items suggest that there is significant use of these weapons by criminal offenders.

As you know, in a recent National Institute of Justice survey of convicted felons, Professors James D. Wright and Peter H. Rossi, a small but noteworthy number of responses indicates that martial arts weapons were used or carried when crimes were committed. Professor Wright has concluded that his survey results probably understate the actual use of the weapons. The summary he prepared for the Senate Judiciary Committee is enclosed.

Apparently, other traditional sources of crime statistics, such as the Uniform Crime Report, are not yet designed to separately record martial arts weapon related criminal activity.

It would be extremely useful to have your views on the significance of the absence of data from traditional sources concerning crimes involving martial arts weapons. We would especially appreciate any explanation for the extent of existing data, and whether a lack of data at this time would support the conclusion that use of martial arts weapons by criminals is not a problem.

As always, I look forward to your respnse.

Sincerely,

Edward M. Kennedy

U.S. Department of Justice

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

NOV 8 1985

The Honorable Edward M. Kennedy
United States Senate
Washington, D.C. 20510

Dear Senator Kennedy:

This is in response to your October 23, 1985, letter requesting my views about the significance of the absence of data about martial arts weapons use in the commission of crimes.

While it is true that detailed statistics about criminal martial arts weapon use are almost nonexistent, that does not mean that such weapons are not used to commit a substantial number of crimes. The data have not been collected for a variety of reasons unrelated to the magnitude of the problem they may present to the Nation.

First, the two national crime indexes, the Federal Bureau of Investigation's Uniform Crime Reports (which counts crimes reported to law enforcement agencies) and the Bureau of Justice Statistics' National Crime Survey (which estimates the total number of selected crimes that occur throughout the country) were not designed to measure unusual types of crimes or their characteristics. Moreover, because of the size and complexity of both surveys, it takes a significant amount of time to obtain new data once additional needs are identified.

Second, any data on martial arts weapon use would be quite inaccurate because most victims as well as many law enforcement personnel would be unfamiliar with such foreign weapons. Nunchaku sticks, perhaps the most common martial arts weapon, are still unknown to the general public and are, therefore, likely to be identified only generically, for example, as a stick and chain. Therefore, a tally of miscellaneous weapons, as is possible in the National Crime Survey, would probably not reflect true martial arts weapons usage. Victims can be expected to misclassify them.

Third, some persons attacked by martial arts weapons might not report such incidents because the victims themselves were involved in illegal activity. This would be especially true when gangs or others involved in the criminal subculture used such weapons.

Thus, the lack of data reflects only our current inability to obtain it and not the magnitude of the problem for society.

I would be happy to expand upon these thoughts if you so desire.

Sincerely,

Steven R Schlesinger

Steven R. Schlesinger
Director

Written Testimony Submitted
to the Senate Judiciary Committee
For S1363--Martial Arts Bill

by J. Bruce Voyles

October 10, 1985

Honorable members of the Senate Judiciary Committee, I respectfully request that you withdraw or kill S1363, also known as the "Martial Arts and Dangerous Weapons Bill".

I fear that this bill has come about not because of actual need but because of too many kung-fu movies!

The American public would be better served leaving this small problem to the various states. There are sufficient state laws now to lock up anyone misusing any martial arts implement as a weapon. A government that last week ran out of money doesn't need to restrict the freedoms of its people and at the same time burden some government agency with enforcing an unnecessary law.

The injury figures we've seen quoted time and time again concerning this bill are true--but half-true. According to the Consumer Product Safety Commission an estimated 100,000 martial arts SPORTS injuries were treated in emergency rooms in the last five years. The injuries were related to martial arts--not martial arts WEAPONS injuries. WHAT THAT MISLEADING QUOTE DOESN'T TELL YOU IS THAT THE VAST MAJORITY OF THOSE INJURIES HAD NOTHING WHATSOEVER TO DO WITH MARTIAL ARTS WEAPONS!

For instance, in 1984 the Consumer Product Safety Commission National Electronic Injury Surveillance System report states there were 19,826 Martial Arts "Sports and Recreational Equipment" Injuries. According to that same report Martial Arts injuries have a "Mean Severity code" of 20.

But--that same report states the following:

Fishing Injuries.....64,993 Mean Severity code of 28!

Playground equipment...209,760 Mean Severity code of 28!

Bicycles.....556,682 Mean Severity code of 43!

Will the committee next draft legislation for those problems? The above mentioned activities are much more of a problem than Martial Arts weapons! Even barbeque grills have a CPSC mean severity code of 73!

There is no pressing problem requiring federal legislation on martial arts weapons. Where are the documented records of hundreds of citizens being held up by theives armed with throwing stars? There are none. We all know that a common butcher knife from any kitchen would be a much more formidable weapon! Is restriction of interstate shipment of kitchen cutlery the next step?

The wording of the bill is vague. The definition of nunchaku "two sticks of wood... connected at one end by lengths of rope or chain..." That's a jump rope! Horsemen use a device called a "twitch" wrapped around a horse's nose to control unruly stallions. It is nothing more than a chain nunchaku. The "length of chain having weighted ends" could be interrepted to be nothing more than a field trial dog leash. The star shaped sharp pointed objects could be anything from an antique sheriff's star to a Star of David! While I have the highest regard and respect for the good intentions of the Senate Judiciary Committee, I'm sure you can foresee the abuses that could befall an honest citizen at the hands of an overzealous young district attorney if this bill

becomes law.

If this bill did become law, how are the martial arts and cutlery dealers of the U. S. going to keep up with the constantly changing laws in all 50 states? This places an undue hardship and restriction of free trade on dozens of companies, employing hundreds of U. S. citizens. This bill as law would force many companies out of business--and their employees on the unemployment rolls. And it would make it much harder for citizens to buy martial arts items in states that allowed legal ownership.

As the editor of the Blade Magazine, my readers and I oppose any restriction of a sharpened piece of steel! Knives have become a modern American art form--and this bill as law would restrict the creativity of these artists. If this bill passes these American artists could make knives of any shape or size--as long as they weren't sharpened and star shaped!

A large number of American knife dealers handle throwing stars. Restricting their sale through interstate commerce would force most of them to simply stop carrying the stars because of the problem of keeping up with the Federal and state regulations.

Of course the solution to keeping up with the laws could be the publishing of a book updating all the various state laws--but once again the taxpayers would have to pay for that printing. This is all needless. Martial arts legislation is better left to the states!

I recognize the concern of easy availability of martial arts

items to children, but we are talking mail order here. I know few children with credit cards or checking accounts that aren't closely monitored by their parents.

My 10-year-old daughter, Heather, has a collection of throwing stars! Her first one was given to her at a knife show by a friend, with my permission. Over the past year she has collected several others. Heather doesn't carry them, she has them in a box in her bedroom, and to my knowledge she has not assaulted a single person with them. She does understand the restrictions that I, as her parent, placed upon her possessing her throwing stars. Whether a child is allowed to own a throwing star or not is the responsibility of the child's parent--not the federal government. If a child does order a martial arts item through the mail the funding for that purchase probably came from a parent! If Heather received a COD package from anyone you can bet that I would see what is inside it, and if she is allowed to keep what is in a COD package it will be ONLY with my permission.

Most advertising I've seen showing throwing stars usually offers a target also. Owning throwing stars is little different than owning darts! I feel certain that there are more injuries from darts thrown by intoxicated bar patrons than there are from martial arts weapons.

There is no real problem here, only over-reaction. Federal legislation against interstate sale of throwing stars and other martial arts weapons will not reduce any martial arts weapons injuries. There aren't that many martial arts "weapons"

injuries in the first place. A CPSC report stated a total of three martial arts related deaths in the past five years. Two were due to karate kicks to the head, and the third was indeed related to a martial arts accessory--the subject hung himself with his karate belt!

The state laws are adequate to keep the sale of martial arts weapons from becoming a problem. Nearly every state already has laws on the books making it illegal to carry even a screwdriver as a weapon! Anyone buying a throwing star in a state that bans owning throwing stars is already breaking a state law--there is no need for federal intervention.

The throwing stars and other martial arts weapons are not the villains, just as matches are not the villains in forest fires and automobiles are not the villains in most car wrecks. The villain is anyone that misuses the throwing star, match, or car. There are enough laws making those misuses a crime already on the books. Enforce those and go on to something in which there is a real problem, not an imagined one stirred up by graphic B-grade movies.

I, my readers, and my fellow cutlery collectors feel this bill is unnecessary, unwanted, and an assault of our second amendment Constitutional right to keep and bear arms. I appeal to you to please protect those rights on our behalf. Stop the bill now.

J. Bruce Voyles

9 October 1995

Ms. Diana Waterman
General Counsel
Committee on the Judiciary
United States Senate
Room 224
Dirksen Senate Office Bldg.
Washington, D.C. 20510

The following testimony is in reference to S.1363 and is supplied by:

Stephen K. Hayes
PO Box 231
Germantown, Ohio
45327-0231
(513) 787-4888

PROPOSED TESTIMONY OF STEPHEN K. HAYES

I. Establishing my credentials
   a. Trained in oriental martial arts for 20 years
   b. First American to earn ninjutsu teaching license from grandmaster of the tradition in Japan
   c. Author of 9 books on Japan's warrior tradition

II. Clarify true practice of ninjutsu and martial arts
   a. Movies are only entertainment. Do we judge the native American population on Rin Tin Tin reruns, or judge Americans from Southern Europe based on episodes of The Untouchables? My tradition should likewise not be judged by silliness on HBO.
   b. The ninja tradition was established by brave people who loved their families enough to do whatever was necessary in the face of overwhelming odds. The tactics of our own civilian resistance troops in the American Revolutionary war are a direct reflection of the ninja ways of handling adversity.
   c. Some martial artists are businessmen too There is fear of any new competition that threatens to take business away. If people are fascinated with the ninja, they are less likely to come in with money for karate lessons. It is then tempting for businessmen NOT qualified to offer ninjutsu instruction to resort to slander (I am neither "slime" nor "assassin") as a way to reduce the appeal of what they can not offer.

III. Clarify use of training implements
   a. Why use historical training implements? Symbolic of that which causes fear. We learn to overcome through facing fear to become happier

and more secure people. (Analogy of Boy Scouts in canoe being dunked by scoutmaster to teach life saving skills and attitudes)

b. What are ninjutsu training implements? Four types (stick, blade, flexible, projectile)

c. Emphasize LACK of "deadliness" in most feared martial arts implements. Shuriken and sticks are not designed as killing weapons, anymore than are fencing foils or golf clubs. (Shuriken points are too short to penetrate for killing cut, etc.)

IV. Comment on vagueness and confusing wording of bill

a. Shuriken description sounds like Black & Decker circular saw blade. Are they illegal too?

b. Manrikigusari description sounds like Hartz Mountain dog choker collar. Are they illegal too?

V. There are fine laws already handling misuse of tools

a. No, I do not endorse children carrying weapons to school. So enforce the many state laws already in existence to handle the problem!

b. This piece of spite legislation before us is not the answer to the major problems of our society. It will only serve to further clutter our law books with difficult-to-enforce vagueness.

c. Let's honestly acknowledge that the source of this bill is the fears of a tiny minority of American businessmen who lack confidence in their own abilities to compete successfully in the American free enterprise system.

AN ANALYSIS OF THE STATISTICAL NECESSITY FOR THE FEDERAL CONTROL OF MARTIAL ARTS IMPLEMENTS

TESTIMONY ON SENATE BILL 1363 SUBMITTED TO THE SENATE COMMITTEE ON THE JUDICIARY

BY

Jonathan Reinschreiber

Mr. Chairman, and members of the Senate Committee on the Judiciary:

As a long time collector of knives and edged weapons, life member of the National Knife Collectors Association, member of the Antique Bowie Knife Collectors, and a director of the Cutlery Collectors' Legislative Committee. I would like to question the necessity for the federal regulation of martial arts implements.

I believe that after reviewing the following statistics you will agree that the need for such regulation is nominal at best. These statistics have been compiled from: The Department of Justice, 1983 Source Book; FBI Uniform Crime Report-Crime In The United States 1980, 1983, 1984; FBI Uniform Crime Report-Law Enforcement Officers Killed And Assaulted 1983.

Currently there is no source of information concerning the use of martial arts implements in the commission of violent crime.

The Federal Bureau of Investigation compiles all violent crime information into its annual "Uniform Crime Report, Crime In The United States." This report is compiled from questionaires mailed out to state, county, and local law enforcement agencies. There is no place on this questionaire for reporting the use of martial arts implements. The qestionaire does request information on the use of weapons divided into eleven catagories. Two of these weapons type catagories are "Cutting or Stabbing instruments" (ie, knives, kitchen cutlery, screwdrivers, icepicks, ect), and "Blunt Objects" (ie, hammers, clubs, iron pipes, baseball bats, ect). Because of the nature of martial arts implements, it can be assumed that they are included in these two catagories.

The statistics concerning law enforcement officers killed or assaulted are included in the nationwide statistics.

A statistical analysis of the use of weapons in violent crime paints a completely different picture than the proponents of S.1363 would like us to see.

MURDER

There were 16,689 reported murders nationwide in 1984. This is a decrease in the number of offenses of 3 percent from 1983. The 1984 murder rate of 8 per 100,000 population is 5 percent lower than the 1983 rate. From 1980 to 1984 the number of murders decreased 19 percent and the rate per 100,000 population decreased 23 percent.

In 1984 firearms were used in 60 percent of the murders, cutting or stabbing instruments in 21 percent, and blunt objects in 5.8 percent.

57 percent of the 1984 murders were committed by relatives or acquaintances of the victims. 18 percent of all killings involved family relationships. Almost all these murders occured in or around the home of the victim or perpatrator. Only 18 percent (3,008) of the murders nationwide occured as the result of felonious activities. Of these 3,008 murders only 3 percent (501) were committed with a cutting or stabbing instrument. Blunt objects accounted for 1.5 percent (257).

Cutting or stabbing instruments accounted for 2.7 percent (2) of the law enforcement officers killed in the line of duty in 1984. Blunt objects also accounted for 2.7 percent (2) a decrease of 50 percent from 1983.

Arrests of persons under age 18 for murder decreased 6 percent from 1983 and 7 percent since 1980.

SECTION II
CRIME INDEX OFFENSES REPORTED

MURDER AND NONNEGLIGENT MANSLAUGHTER

DEFINITION

Murder and nonnegligent manslaughter, as defined in the Uniform Crime Reporting Program, is the willful (nonnegligent) killing of one human being by another.

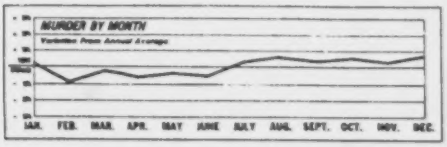
The classification of this offense, as for all other Crime Index offenses, is based solely on police investigation as opposed to the determination of a court, medical examiner, coroner, jury, or other judicial body. Not included in the count for this offense classification are deaths caused by negligence, suicide, or accident; justifiable homicides; and attempts to murder or assaults to murder, which are scored as aggravated assaults.

TREND

Year	*Number of offenses*	*Rate per 100,000 inhabitants*
1983	*19,308*	*8.3*
1984	*18,692*	*7.9*
Percent change	-3.2	-4.8

Volume

The 1984 estimated national murder total was 18,692. Murder offenses occurred more frequently in December than in any other month of the year and least often in February.



The South, the most populous region, accounted for 43 percent of the murders. The Western States reported 21 percent; the Midwestern States, 19 percent; and the Northeastern States, 17 percent.

Murder by Month, 1980-1984

[Percent of annual total]

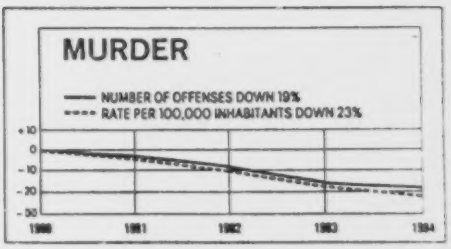
Months	1980	1981	1982	1983	1984
January	7.8	8.8	8.3	8.4	9.3
February	7.3	7.8	7.5	7.6	7.5
March	7.2	8.4	8.1	8.4	8.1
April	7.4	7.9	7.9	8.0	7.9
May	8.0	8.4	8.8	8.3	8.0
June	8.5	8.4	8.4	7.6	7.8
July	9.5	8.8	8.8	8.9	8.6
August	10.3	8.7	8.8	8.9	8.8
September	8.7	8.3	8.6	8.7	8.7
October	8.3	8.0	8.2	8.4	8.8
November	8.1	7.9	7.5	7.8	8.6
December	8.8	8.6	9.0	9.0	9.0

Trend

There were 3 percent fewer murders reported nationwide in 1984 than in 1983. For the same 2-year period, the murder volume dropped 5 percent in cities and 2 percent in rural counties, while the number in suburban counties rose 3 percent. Upward trends were registered for only two population groupings. Cities with populations from 100,000 to 249,999 recorded a 5-percent increase, and those with from 500,000 to 999,999 inhabitants recorded a 2-percent rise.

Three of the four geographic regions registered declines in the number of murders during 1984. The decreases were 7 percent in both the Midwestern States and Northeastern States and 2 percent in the Southern States. In the Western States, the only region showing an increase, the volume of murders rose 1 percent.

The accompanying chart reveals a decrease of 19 percent nationally in the murder counts from 1980 to 1984.



Rate

The 1984 national murder rate of 8 per 100,000 inhabitants was 5 percent lower than in 1983. When the number of murder victims was related to the populations on a regional basis, rate decreases were seen in all four regions, 1983 versus 1984. The Southern States averaged 10 murders per 100,000 people, 4 percent lower than in 1983, while the Western States' rate of 8 per 100,000 declined 1 percent. Each registering murder rates of 6 per 100,000, the Northeastern States' rate was down 7 percent and the Midwestern States', down 6 percent.

Collectively, the MSAs reported a murder rate of 9 victims per 100,000 inhabitants; the rural counties and cities outside metropolitan areas each registered murder rates of 5 per 100,000.

Nature

Contributing agencies provided supplemental information for 16,689 of the estimated 18,692 murders in 1984. Submitted monthly, the data consist of the age, sex, race, and ethnic origin of both victims and offenders; the types of weapons used; the relationships of victims to the offenders; and the circumstances surrounding the murders.

Based on these supplemental data, approximately 75 percent of the murder victims in 1984 were males. Ninety-five percent were persons 15 years of age or older, with 46 percent aged 20 through 34 years. Considering victims for whom race was known, an average of 57 of every 100 were white, 41 were black, and the remainder were persons of other races. Nineteen percent of the victims for whom ethnicity was reported were Hispanic.

An examination of incidents involving one victim and one offender showed that in 1984, 94 percent of the black murder victims were slain by black offenders, and 89 percent of the white murder victims were killed by white offenders. Likewise, males were most often slain by males (83 percent in single victim/single offender situations). These same data showed, however, that 9 of every 10 female victims were murdered by males.

Firearms were the most frequently used murder weapons during 1984. Handguns were used in 44 percent of the murders, shotguns in 7 percent, rifles in 5 percent, and other or unknown types of firearms in 4 percent. Collectively, firearms were used in about 3 of every 5 murders for the year.

Among the remaining incidents, cutting or stabbing instruments were employed in 21 percent, other dangerous weapons such as blunt instruments, poison, explosives, etc., in 13 percent; and personal weapons (hands, fists, feet, etc.) in 7 percent.

Murder, Type of Weapons Used, 1984

[Percent distribution]

Region	Total all weapons[1]	Firearms	Cutting or stabbing instruments	Unknown or other dangerous weapons	Personal weapons
Total	100.0	58.8	21.2	13.4	6.5
Northeastern States	100.0	51.1	26.8	12.2	9.9
Midwestern States	100.0	60.5	18.8	15.1	5.6
Southern States	100.0	63.2	19.2	12.9	4.8
Western States	100.0	54.9	22.8	14.3	8.1

[1]Because of rounding, percentages may not add to totals.

Murder Victims, Type of Weapons Used, 1980-1984

Weapon	1980	1981	1982	1983	1984
Total	21,860	20,053	19,485	18,673	16,689
Total Firearms	13,650	12,523	11,721	10,895	9,819
Handguns	10,012	9,193	8,476	8,193	7,277
Rifles	1,124	968	1,017	831	763
Shotguns	1,636	1,528	1,377	1,343	1,154
Other guns	53	82	38	19	18
Firearms-not stated	825	752	815	609	607
Cutting or stabbing instruments	4,212	3,886	4,065	4,075	3,540
Blunt objects (clubs, hammers, etc.)	1,094	1,038	957	1,082	973
Personal weapons (hands, fists, feet, etc.)[1]	1,282	1,132	1,298	1,280	1,090
Poison	17	12	19	20	6
Explosives	21	16	12	5	8
Fire	291	258	279	216	192
Narcotics	12	20	16	17	19
Drowning	49	51	52	40	44
Strangulation	401	337	359	376	317
Asphyxiation	104	150	108	123	111
Other weapons or weapons not stated	727	630	599	564	570

[1]Pushed is included in personal weapons.

Murder Victims — Weapons Used, 1984

Age	Number	Weapons										
		Firearms	Cutting or stabbing instruments	Blunt objects (club, hammer, etc.)	Personal weapons (hands, fists, feet, etc.)	Poison	Explosives	Fire	Narcotics	Strangulation	Asphyxiation	Other weapons or weapons not stated
Total	16,689	9,819	3,540	973	1,090	6	8	192	19	317	111	614
Infant (under 1)	180	10	10	8	88	1	1	3	1	5	22	31
1 to 4	319	38	21	29	165			16	1	2	15	32
5 to 9	130	45	20	12	22			15		5	4	7
10 to 14	191	88	40	20	11			5		9	7	11
15 to 19	1,240	781	273	38	46			11	3	32	4	52
20 to 24	2,694	1,755	609	87	90	1		17	2	55	7	71
25 to 29	2,833	1,781	678	110	104	1		12	5	55	13	76
30 to 34	2,191	1,430	462	102	97	1		11	6	34	8	40
35 to 39	1,696	1,096	335	95	78		1	10		22	1	52
40 to 44	1,207	768	244	62	66	1	1	9		15	1	40
45 to 49	844	535	167	55	46		2	8		3	3	25
50 to 54	716	417	154	59	37			12		11	6	22
55 to 59	574	313	127	51	44		1	13		11	8	10
60 to 64	480	230	117	53	41		2	10		6	2	19
65 to 69	310	144	62	47	28			6		8	3	12
70 to 74	301	106	70	39	39	1		14		11	4	17
75 and over	403	95	95	83	64			11	1	22	6	26
Unknown	380	187	56	23	24			3		11	3	73

Supporting the philosophy that murder is primarily a societal problem over which law enforcement has little or no control is the fact that 57 percent of the murders committed in 1984 were perpetrated by relatives or persons acquainted with the victims. Eighteen percent of all killings involved family relationships, 48 percent of which involved spouse killing spouse.

Arguments resulted in 40 percent of all murders, while 18 percent occurred as a result of felonious activities such as robbery, arson, etc. Another 3 percent were suspected to have been the result of some felonious activity. The table on the following page shows murder circumstances/motives for the past 5 years.

Circumstance by Relationship, 1984

[Percent distribution]

Victim	Total	Felony type	Suspected felony type	Romantic triangle	Argument over money or property	Other arguments	Miscellaneous non-felony type	Unable to determine
Total[1]	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Husband	3.2	.4		3.9	1.3	6.9	3.1	.5
Wife	5.2	.8		7.4	2.4	9.0	7.4	1.8
Mother	.8	.3			.7	.9	1.8	.4
Father	1.2	.3	.2		1.1	2.3	1.4	.2
Daughter	1.3	1.0			.4	.5	4.3	.8
Son	1.6	1.2	.2		.7	1.3	4.7	.5
Brother	1.3	.1		.2	2.4	2.5	1.7	.2
Sister	.3	.2		.5	.4	.5	.5	.1
Other family	2.6	1.2	.2	.2	4.6	4.3	3.3	1.1
Acquaintances	29.8	23.8	9.3	57.6	56.9	39.3	37.8	9.7
Friend	3.9	1.7	.9	4.4	12.8	6.1	4.6	1.2
Boyfriend	1.6	.2		3.7	1.3	3.3	1.2	.4
Girlfriend	2.4	.5		7.4	1.3	4.7	2.0	.7
Neighbor	1.3	1.2		1.0	1.8	1.9	1.3	.5
Stranger	17.6	40.5	66.4	11.3	8.8	11.3	13.9	7.5
Unknown relationship	25.8	26.7	22.8	2.5	2.9	5.3	11.1	74.5

[1]Because of rounding, percentages may not add to total.

Circumstance by Weapon, 1984

Weapons	Total	Felony type	Suspected felony type	Romantic triangle	Argument over money or property	Other arguments	Miscellaneous non-felony type	Unable to determine
Total	16,689	3,008	461	408	452	5,740	2,933	3,687
Firearms	9,819	1,637	248	292	299	3,558	1,691	2,094
Cutting or stabbing instruments	3,540	501	82	79	113	1,563	526	676
Blunt objects (club, hammer, etc.)	973	257	31	16	17	269	176	227
Personal weapons (hands, fists, feet, etc.)[1]	1,080	254	24	11	18	261	314	208
Poison	6	1		1		1	2	1
Explosives	8	3						5
Fire	192	144	1	2		9	18	18
Narcotics	19	5	6				6	2
Drowning	44	5	4			1	23	11
Strangulation	317	102	27	5	3	34	41	105
Asphyxiation	111	32	5	1		7	42	24
Other weapons or weapons not stated	570	67	33	1	2	57	92	316

[1]Pushed is included in personal weapons.

Murder Circumstances/Motives, 1980-1984

	1980	1981	1982	1983	1984
Total	21,860	20,053	19,485	18,673	16,689
Percent[1]	100.0	100.0	100.0	100.0	100.0
Felony total	17.7	17.2	17.7	18.0	18.0
Robbery	10.8	10.4	10.7	10.6	9.3
Narcotics	1.7	1.8	1.8	2.0	2.7
Sex offenses	1.5	1.4	1.4	1.6	1.6
Arson	1.2	1.1	1.0	.8	1.0
Other felony	2.5	2.5	2.7	3.1	3.5
Suspected felony	6.7	5.5	5.2	3.2	2.8
Argument total	44.6	42.2	40.9	43.7	39.5
Romantic triangle	2.3	2.5	2.4	2.6	2.4
Property or money	2.6	3.0	3.2	2.8	2.7
Other arguments	35.0	32.5	31.3	34.1	34.4
Other motives or circumstances	15.9	17.1	16.7	14.2	17.6
Unknown motives	15.1	17.8	19.6	20.9	22.1

[1]Because of rounding, percentages may not add to totals.

Clearances

In 1984, the highest Crime Index clearance rate nationwide was for murder, 74 percent. City agencies also cleared 74 percent of murders, with cities under 10,000 in population reporting the most successful clearance rate, 82 percent. Seventy-seven percent of murders in rural counties and 72 percent of those in suburban counties were cleared.

Regionally, the murder clearance rate was highest in the Southern States, 76 percent. Following were the Northeastern States with 74 percent, the Midwestern States with 72 percent, and the Western States with 71 percent.

Persons under 18 years of age were involved in murder less often than in any other offense in 1984. They accounted for 5 percent of the willful killings cleared by law enforcement nationally, as well as in cities and in suburban counties. Four percent of the rural county clearances involved only persons in this young-age group.

Persons Arrested

Overall murder arrests decreased 5 percent in 1984 from the 1983 volume. Arrests of persons under age 18 dropped 6 percent, while those of persons aged 18 and over fell 5 percent. During the same 2-year period, both male and female arrests were down, 5 and 3 percent, respectively.

Among all 1984 murder arrestees, 41 percent were under 25 years of age, with 7 percent of the total being 17 or younger. The 18- to 24-year age group showed the greatest involvement in this offense, accounting for 34 percent of the total 1984 murder arrests.

Whites comprised 54 percent of the total arrestees for murder in 1984. Blacks made up 45 percent, and the remainder were of other races. Sixteen percent of the arrestees were of Hispanic ethnicity.

Long-term murder arrest trends indicate total arrests fell 15 percent from 1975 and 7 percent from 1980.

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TABLE 3. LAW ENFORCEMENT OFFICERS FELONIOUSLY KILLED, 1974-1983
BY TYPE OF WEAPON

Year	Grand Total	Handgun	Rifle	Shotgun	Total Firearm	Knife	Bomb	Personal Weapons	Other
Total	1,031	708	143	109	980	19	5	4	43
1974	132	95	12	21	128	1	. . .	. . .	3
1975	129	93	21	13	127	. . .	. . .	. . .	2
1976	111	66	12	16	94	5	4	. . .	8
1977	93	59	13	11	83	. . .	. . .	1	9
1978	93	67	13	11	91	. . .	. . .	1	1
1979	106	76	18	6	100	4	1	. . .	1
1980	104	69	13	13	95	3	. . .	. . .	6
1981	91	69	12	5	86	1	. . .	. . .	4
1982	92	60	17	5	82	3	. . .	2	5
1983	80	54	12	8	74	2	. . .	. . .	4

TABLE 3. LAW ENFORCEMENT OFFICERS FELONIOUSLY KILLED, 1975-1984
BY TYPE OF WEAPON

Year	Grand Total	Handgun	Rifle	Shotgun	Total Firearm	Knife	Bomb	Personal Weapons	Other
Total	971	659	140	99	898	20	5	6	42
1975	129	93	21	13	127	. . .	. . .	. . .	2
1976	111	66	12	16	94	5	4	. . .	8
1977	93	59	13	11	83	. . .	. . .	1	9
1978	93	67	13	11	91	. . .	. . .	1	1
1979	106	76	18	6	100	4	1	. . .	1
1980	104	69	13	13	95	3	. . .	. . .	6
1981	91	69	12	5	86	1	. . .	. . .	4
1982	92	60	17	5	82	3	. . .	2	5
1983	80	54	12	8	74	2	. . .	. . .	4
1984	72	46	9	11	66	2	. . .	2	2

ROBBERY

There were an estimated 485,008 robberies in 1984. This represents a decrease in offenses of 14 percent and a decrease in the rate per 100,000 population of 18 percent since 1980. The decrease from the 1983 rate was 5 percent.

Strong-arm tactics were used in 41.5 percent of the 1984 robberies. Firearms accounted for 36 percent, cutting or stabbing instruments 13.5 percent, and all other weapons the remaining 9 percent.

13 percent of robbery offenders were under age 18, a decrease of 19 percent since 1980.

ROBBERY

DEFINITION

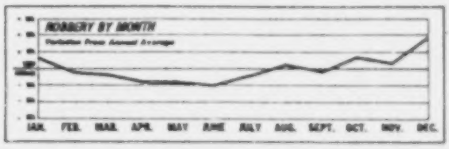
Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

TREND

Year	*Number of offenses*	*Rate per 100,000 inhabitants*
1983	*506,567*	*216.5*
1984	*485,008*	*205.4*
Percent change	-4.3	-5.1

Volume

Estimated at 485,008 offenses in 1984, robbery comprised 4 percent of all Index crimes and 38 percent of the violent crimes. The highest robbery counts were recorded in December, while the lowest occurred in June.



Geographically, the highest proportion of all robberies (30 percent) occurred in the Northeastern States. The Southern States accounted for 27 percent of the total; the Western States for 22 percent; and the Midwestern States for 21 percent.

Robbery by Month, 1980-1984

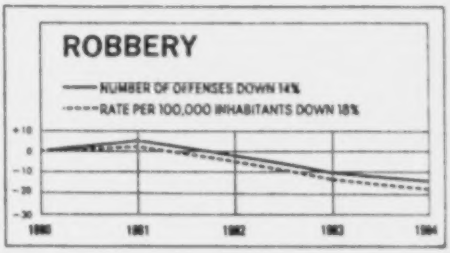
[Percent of annual total]

Months	1980	1981	1982	1983	1984
January	8.0	9.0	9.1	9.5	8.9
February	7.2	8.1	8.2	8.1	8.2
March	7.3	8.0	8.0	8.3	8.1
April	7.0	7.3	7.5	7.6	7.6
May	7.6	7.5	7.5	7.6	7.6
June	7.9	7.7	7.7	7.6	7.5
July	8.7	8.3	8.6	7.9	7.9
August	9.5	8.7	8.5	8.6	8.5
September	8.8	8.2	8.3	8.4	8.2
October	8.9	8.8	8.5	8.8	9.0
November	9.0	8.6	8.4	8.8	8.6
December	10.1	9.6	9.8	9.2	9.9

Trend

Nationally, the number of robberies in 1984 decreased 4 percent from the 1983 level. By region, robbery volumes were down 8 percent in the Northeast, 3 percent in the South and Midwest, and 1 percent in the West. City law enforcement agencies recorded a 5-percent decline; those in suburban counties, a 4-percent decrease; and those in rural counties, a 9-percent drop.

The accompanying chart depicts the trend in the volume of robbery, as well as the robbery rate, for the years 1980-1984. In 1984, the number of robbery offenses was 14 percent lower than in 1980 but 3 percent above the 1975 total.



Rate

The 1984 national robbery rate of 205 per 100,000 inhabitants was down 5 percent from the 1983 rate. With 958 robberies per 100,000 people, the highest rate was experienced in cities with populations over 1 million. MSAs recorded a rate of 262 robberies per 100,000 inhabitants, and in cities outside metropolitan areas, the rate was 44. The lowest incidence was in the rural areas where the rate was 15 per 100,000 people.

Robbery occurred most frequently in the Northeastern States where the rate was 289 per 100,000 inhabitants. The rate per 100,000 inhabitants for the Western States was 233; for the Midwestern States, 170; and for the Southern States, 163.

Nature

Accounting for a total estimated loss of $295 million in 1984, the value of property stolen due to robberies averaged $609 per incident. The impact of this violent crime on its victims cannot be measured in terms of monetary loss alone. While the object of a robbery is to obtain money or property, the crime always involves force or threat of force, and many victims suffer serious personal injury.

As in previous years, robberies on streets or highways accounted for more than half of the offenses in this category. The average dollar loss for this type of robbery was $430. Although accounting for only 1 percent of all robberies, those of banks registered the highest average loss, $2,690 per incident.

Robbery, Percent Distribution, 1984

[By region]

	Total	North-eastern States	Mid-western States	Southern States	Western States
Total[1]	100.0	100.0	100.0	100.0	100.0
Street/Highway	34.5	62.3	38.9	20.1	43.4
Commercial house	11.5	8.0	10.4	13.3	15.8
Gas or service station	3.3	2.5	3.9	3.7	3.8
Convenience store	5.5	1.6	5.1	9.0	7.1
Residence	11.0	12.7	9.3	10.2	10.6
Bank	1.4	.8	1.5	1.0	3.1
Miscellaneous	12.8	12.0	11.0	12.7	16.1

[1]Because of rounding, percentages may not add to totals.

Robbery, Percent Distribution, 1984

[By population group]

	Group I (56 cities, 250,000 and over; population 35,446,000)	Group II (117 cities, 100,000 to 249,999; population 17,006,000)	Group III (299 cities, 50,000 to 99,999; population 20,642,000)	Group IV (632 cities, 25,000 to 49,999; population 21,898,000)	Group V (1,581 cities, 10,000 to 24,999; population 25,006,000)	Group VI (6,479 cities under 10,000; population 23,118,000)	County agencies (3,994 agencies; population 71,390,000)
Total[1]	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Street/Highway	61.1	55.9	51.9	44.8	37.8	31.3	33.9
Commercial house	9.3	13.7	13.6	15.0	15.9	16.0	15.1
Gas or service station	2.1	3.3	4.2	5.3	7.3	7.6	6.2
Convenience store	3.8	5.4	6.8	7.7	10.7	11.4	9.3
Residence	11.1	10.2	9.2	10.0	10.8	12.7	13.0
Bank	.8	1.7	1.9	2.0	2.2	2.5	3.0
Miscellaneous	11.8	9.8	12.3	15.1	15.2	18.4	19.3

[1]Because of rounding, percentages may not add to totals.

Forty-one percent of all robberies in 1984 were committed through the use of strong-arm tactics. Firearms were used in 36 percent, knives or cutting instruments in 13 percent, and other weapons in the remainder.

Convenience store robberies fell 40 percent in volume for the 5-year period, 1980 versus 1984. During the same timespan, robberies of gas and service stations were down 33 percent; those of banks dropped 18 percent; and those of other commercial establishments declined 29 percent. Also down in number were street robberies (8 percent) and residential robberies (12 percent).

Robbery, Type of Weapon Used, 1984

[Percent distribution]

Region	Total all weapons[1]	Armed			Strong-armed
		Firearms	Knife or cutting instrument	Other weapons	
Total	100.0	35.8	13.4	9.4	41.5
Northeastern States	100.0	29.7	15.9	10.3	44.0
Midwestern States	100.0	36.8	10.8	13.4	40.0
Southern States	100.0	42.1	11.6	7.3	39.0
Western States	100.0	35.7	13.8	8.6	41.9

[1]Because of rounding, percentages may not add to totals.

Clearances

During 1984, 26 percent of the robbery offenses reported to law enforcement were cleared. Rural law enforcement agencies registered the highest robbery clearance rate, 40 percent. Suburban county agencies cleared 30 percent and those in cities, 25 percent. Clearance percentages for robbery in the Nation's regions showed the Southern States with 28 percent, the Western and Northeastern States each with 26 percent, and the Midwestern States with 22 percent.

Nationally, as well as for city law enforcement agencies, persons under the age of 18 were the offenders in 13 percent of all 1984 robbery clearances. This age group accounted for 12 percent of the suburban county clearances and 7 percent of the rural county clearances.

Persons Arrested

When the total number of arrests for robbery during 1984 was compared with that of 1983, a decrease of 6 percent was observed for the Nation and for suburban county law enforcement agencies. Declines were also recorded in the cities and rural counties, 5 and 19 percent, respectively.

During 1984, 67 percent of the persons arrested for robbery were under 25 years of age, and 93 percent were male. Sixty-one percent of those arrested were black, 37 percent were white, and the remainder were of other races. Fourteen percent of the robbery arrestees were Hispanic.

When compared with the 1980 total, robbery arrests showed a decrease of 5 percent in 1984. Adult arrests were up 2 percent during this period, while those of persons under age 18 decreased 19 percent.

AGGRAVATED ASSAULT

There were an estimated 685,349 aggravated assaults in 1984. This is a rate of 290 per 100,000 population. This rate shows an increase of 4 percent from 1983, however, a decrease of 3 percent since 1980. 31 percent of the aggravated assaults were committed with blunt objects or other dangerous weapons, 25 percent with personal weapons (ie; hands, fists, feet), 23 percent with a cutting or stabbing instrument, and 21 percent with firearms. From 1983 to 1984 the use of firearms in aggravated assaults increased 4 percent, while those with cutting or stabbing instruments increased 2 percent, and the use of blunt objects and other dangerous weapons increased 9 percent. Note that blunt objects and other dangerous weapons have been categorized together in the assault section.

There were 60,153 law enforcement officers assaulted in 1984, a 3.6 percent decrease from 1983. Cutting or stabbing instruments accounted for 2.8 percent, and blunt objects 8.6 percent of these assaults. Both these figures are down .1 percent and .3 percent respectively.

Aggravated assault arrests of persons under age 18 decreased 8 percent during the period 1980-1984.

AGGRAVATED ASSAULT

DEFINITION

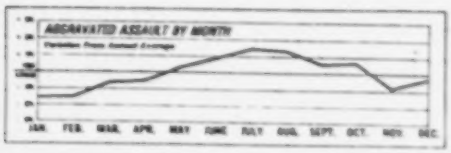
Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Attempts are included since it is not necessary that an injury result when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

TREND

Year	*Number of offenses*	*Rate per 100,000 inhabitants*
1983	*653,294*	*279.2*
1984	*685,349*	*290.2*
Percent change	+4.9	+3.9

Volume

Totaling an estimated 685,349 nationally in 1984, aggravated assaults occurred most frequently in the Southern States. This most populous region reported 37 percent of all aggravated assaults and was followed by the Western States with 23 percent, the Midwestern States with 21 percent, and the Northeastern States with 19 percent.



As in previous years, the highest volume of aggravated assaults occurred in the summer months of 1984.

Aggravated Assault by Month, 1980-1984

[Percent of annual total]

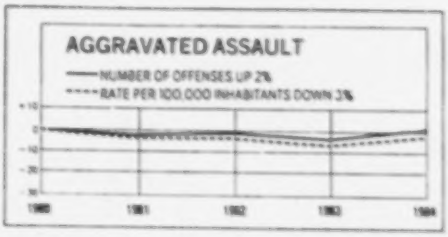
Months	1980	1981	1982	1983	1984
January	6.9	7.6	7.3	7.7	7.0
February	6.6	7.1	7.1	7.1	7.0
March	7.6	8.0	8.1	7.9	7.8
April	7.7	8.2	8.3	8.1	7.9
May	8.9	8.7	9.0	8.9	8.7
June	9.6	9.1	9.2	8.9	9.1
July	10.3	9.6	9.7	9.8	9.6
August	10.4	9.4	9.0	9.7	9.5
September	8.9	8.6	8.7	8.9	8.8
October	8.0	8.5	8.3	8.3	8.9
November	7.7	7.7	7.6	7.6	7.6
December	7.6	7.9	7.7	7.3	8.1

Trend

Nationwide, aggravated assault increased 5 percent in volume during 1984 as compared to 1983. For this 2-year period, the trend in all geographic regions showed increases. The total in the Midwestern States rose 6 percent; in the Southern States, 5 percent; and in both the Northeastern States and Western States, 4 percent.

City law enforcement agencies recorded a rise of 5 percent in their aggravated assault counts from 1983 to 1984. Those in rural counties and suburban counties experienced 4- and 3-percent increases, respectively.

The 5-year trend, 1984 over 1980, showed an increase of 2 percent in the aggravated assault volume.



Rate

During 1984, 290 victims of aggravated assault were reported for every 100,000 United States inhabitants. In metropolitan areas, the aggravated assault rate was 327 per 100,000 inhabitants, in cities outside metropolitan areas, it was 243, and in rural counties, it was 124.

Nationwide, the rate for aggravated assault increased 4 percent from 1983 but was down 3 percent from 1980.

Nature

Thirty-one percent of the aggravated assaults reported in 1984 were committed with blunt objects or other dangerous weapons. Twenty-five percent were committed with personal weapons such as hands, fists, and feet; 23 percent with knives or other cutting instruments; and 21 percent with firearms.

From 1983 to 1984, aggravated assaults committed with firearms rose 4 percent, while those assaults with knives or other cutting instruments and personal weapons increased 2 percent. Assaults where blunt objects or other dangerous weapons were used showed a rise of 9 percent.

The following table shows the 1984 regional experience of aggravated assault by type of weapon used.

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Aggravated Assault, Type of Weapon Used, 1984

[Percent distribution]

Region	Total all weapons[1]	Firearms	Knife or other cutting instrument	Other weapons (club, blunt objects, etc.)	Personal weapons
Total	100.0	21.1	23.2	30.7	25.0
Northeastern States	100.0	13.6	24.6	31.9	29.9
Midwestern States	100.0	21.8	22.2	32.2	23.9
Southern States	100.0	25.3	24.7	28.9	21.0
Western States	100.0	20.5	20.6	31.3	27.7

[1]Because of rounding, percentages may not add to totals.

Clearances

Collectively, all law enforcement agencies nationwide cleared 61 percent of the reported cases of aggravated assault during 1984. The rural counties and cities with populations under 10,000 recorded the highest clearance rates, 69 percent each. Suburban county law enforcement agencies cleared 64 percent.

Regionally, clearance percentages for aggravated assault were 64 percent in the Southern States, 61 percent in both the Western and Northeastern States, and 55 percent in the Midwestern States.

Nine percent of the clearances reported nationally and by city and suburban county agencies were of offenses in which only persons under age 18 were identified as the assailants. Persons under 18 years of age accounted for 6 percent of the rural county aggravated assault clearances.

Persons Arrested

The estimated 300,860 persons arrested for aggravated assault in 1984 represented 61 percent of all arrestees for violent crimes. Total arrests for this offense were up 2 percent from the 1983 total as were those of males. Female arrests increased 4 percent for the same 2-year period.

A comparison of 1980 and 1984 figures showed total arrests for aggravated assault up 8 percent. Arrests of persons 18 years of age and over rose 11 percent, while the number of arrests of persons under age 18 decreased 8 percent.

In 1984, arrests of males for this offense outnumbered those of females by 6 to 1. Whites comprised 61 percent of the arrestees for aggravated assault; blacks, 38 percent; and all other races, the remainder. Eighty-six percent of the arrestees were non-Hispanic.

TABLE 5. LAW ENFORCEMENT OFFICERS ASSAULTED, 1983
CIRCUMSTANCES AT SCENE OF INCIDENT BY TYPE OF WEAPON, PERCENT DISTRIBUTION

Circumstances at Scene of Incident	Total	Type of Weapon			
		Firearm	Knife or Cutting Instrument	Other Dangerous Weapons	Personal Weapons
Total	62,324	3,067	1,829	5,527	51,901
Percent distribution	100.0	4.9	2.9	8.9	83.3
Disturbance Calls (Family Quarrels, Man with Gun, etc.)	20,723	1,147	802	1,527	17,247
Percent distribution	100.0	5.5	3.9	7.4	83.2
Burglaries in Progress or Pursuing Burglary Suspects	1,090	106	49	145	790
Percent distribution	100.0	9.7	4.5	13.3	72.5
Robberies in Progress or Pursuing Robbery Suspects	788	256	44	78	410
Percent distribution	100.0	32.5	5.6	9.9	52.0
Attempting Other Arrests	11,980	347	242	825	10,566
Percent distribution	100.0	2.9	2.0	6.9	88.2
Civil Disorders (Mass Disobedience, Riot, etc.)	942	31	39	176	696
Percent distribution	100.0	3.3	4.1	18.7	73.9
Handling, Transporting, Custody of Prisoners	8,003	44	80	285	7,594
Percent distribution	100.0	.5	1.0	3.6	94.9
Investigating Suspicious Persons or Circumstances	4,954	346	198	528	3,882
Percent distribution	100.0	7.0	4.0	10.7	78.4
Ambush (No Warning)	282	115	6	82	79
Percent distribution	100.0	40.8	2.1	29.1	28.0
Mentally Deranged	1,089	76	117	117	779
Percent distribution	100.0	7.0	10.7	10.7	71.5
Traffic Pursuits and Stops	6,210	217	68	1,062	4,863
Percent distribution	100.0	3.5	1.1	17.1	78.3
All Other	6,263	382	184	702	4,995
Percent distribution	100.0	6.1	2.9	11.2	79.8

Because of rounding, percentages may not add to total.

TABLE 5. LAW ENFORCEMENT OFFICERS ASSAULTED, 1984
CIRCUMSTANCES AT SCENE OF INCIDENT BY TYPE OF WEAPON, PERCENT DISTRIBUTION

Circumstances at Scene of Incident	Total	Type of Weapon			
		Firearm	Knife or Cutting Instrument	Other Dangerous Weapons	Personal Weapons
Total	60,153	2,654	1,662	5,148	50,689
Percent distribution	100.0	4.4	2.8	8.6	84.3
Disturbance Calls (Family Quarrels, Man with Gun, etc.)	19,635	921	807	1,368	16,539
Percent distribution	100.0	4.7	4.1	7.0	84.2
Burglaries in Progress or Pursuing Burglary Suspects	997	83	44	137	733
Percent distribution	100.0	8.3	4.4	13.7	73.5
Robberies in Progress or Pursuing Robbery Suspects	686	230	31	77	348
Percent distribution	100.0	33.5	4.5	11.2	50.7
Attempting Other Arrests	11,565	351	205	705	10,304
Percent distribution	100.0	3.0	1.8	6.1	89.1
Civil Disorders (Mass Disobedience, Riot, etc.)	677	6	20	110	541
Percent distribution	100.0	.9	3.0	16.2	79.9
Handling, Transporting, Custody of Prisoners	7,816	41	73	278	7,424
Percent distribution	100.0	.5	.9	3.6	95.0
Investigating Suspicious Persons or Circumstances	4,997	334	151	541	3,971
Percent distribution	100.0	6.7	3.0	10.8	79.5
Ambush (No Warning)	223	83	11	42	87
Percent distribution	100.0	37.2	4.9	18.8	39.0
Mentally Deranged	1,062	70	79	85	828
Percent distribution	100.0	6.6	7.4	8.0	78.0
Traffic Pursuits and Stops	5,987	170	68	1,079	4,670
Percent distribution	100.0	2.8	1.1	18.0	78.0
All other	6,508	365	173	726	5,244
Percent distribution	100.0	5.6	2.7	11.2	80.6

Because of rounding, percentages may not add to total.

WEAPONS OFFENSES

In 1984 there were 137,909 arrests for the carrying or possessing of weapons. 79 percent of these offenders were over age 21, and 15 percent under age 18 of which only 4.9 percent were under age 15.

Weapons offenses by persons under age 18 decreased 8.9 percent and of persons under age 15 decreased 5.9 percent from 1983.

ARRESTS OF MINORS

From 1983 to 1984 there has been virtually no change in the number of violent crime arrests nationwide. Of the 382,246 arrests, 16.8 percent were of persons under age 18 and 4.9 percent under age 15.

In the period from 1980-1984 the total arrests for violent crime increased 3.9 percent overall, however, the number of offenders under age 18 decreased 12.2 percent.

SECTION IV
PERSONS ARRESTED

Arrests are primarily an indication of law enforcement activity as it relates to crime. Although arrest practices, policies, and enforcement emphases vary from place to place and even within a community from time to time, arrest data provide a useful indication of involvement in criminal acts by the age, sex, race, and ethnic origin of the perpetrators. The volume of arrests for certain unlawful conduct such as drunkenness, disorderly conduct, vagrancy, and related violations may differ among agencies. Arrests for robbery, burglary, and other serious crimes are, however, more likely to be the result of uniform and consistent practices throughout all jurisdictions. Procedures used in this Program require that an arrest be counted on each separate occasion a person is taken into custody, notified, or cited. Annual arrest figures do not measure the number of individuals arrested since one person may be arrested several times during the year for the same or different offenses.

Law enforcement agencies made an estimated 11.6 million arrests nationwide in 1984 for all criminal infractions except traffic violations. The arrest rate was 4,951 per 100,000 inhabitants of the total estimated United States population. Cities with populations over 250,000 showed the highest rate, 7,526 per 100,000. Suburban counties registered 3,866; and rural counties recorded 3,078 per 100,000 people.

Regionally, the highest arrest rate was in the Western States with 5,680 per 100,000 inhabitants. Following were the Southern States with 5,170, the Northeastern States with 4,907, and the Midwestern States with 3,955.

Arrest Trends

Arrests for all offenses except traffic violations showed virtually no change in 1984 from the 1983 volume. Similar to the experience for all ages, adult arrests remained at the same level for the 2-year period, while those of persons under age 18 increased 1 percent. When considering only the eight Crime Index offenses as a group, a 2-percent decline was recorded for all ages. This trend held for both the overall adult and juvenile age categories. Arrests for the Index's violent crimes showed no change, and those for property crimes were down 3 percent.

City law enforcement agencies reported virtually the same number of arrests for all offenses in 1984 as in 1983. For the same period, suburban county arrests were up 1 percent, while rural county law enforcement agencies recorded a 1-percent decline.

For the 5-year period, 1980-1984, total arrests were up 11 percent in volume. Although the arrests of persons under 18 years of age dropped 11 percent, those of persons 18 and over increased 17 percent. Crime Index arrests were down 1 percent overall and 17 percent for juveniles. Conversely, the number of adults arrested for Index crimes was up 8 percent. Total violent crime arrests rose 4 percent over the 1980 total, while property crime arrests were down 3 percent.

Arrests for drug abuse violations in 1984 were up 6 percent over the 1983 experience and 31 percent above the 1980 level. The types of drugs involved in violations resulting in arrests during 1984 are shown by geographic region in the accompanying table.

Arrests for Drug Abuse Violations

[Percent distribution]

	Total[1]	Heroin or cocaine	Marijuana	Synthetic narcotics	Other
Northeastern States	100.0	30.3	55.8	3.8	10.0
Sale/manufacture	30.0	12.2	12.3	1.5	4.0
Possession	70.0	18.1	43.5	2.3	6.0
Midwestern States	100.0	7.5	71.7	3.3	17.5
Sale/manufacture	23.9	3.0	11.5	1.3	8.2
Possession	76.1	4.5	60.2	2.0	9.3
Southern States	100.0	17.2	69.2	3.2	10.5
Sale/manufacture	21.3	5.7	11.3	1.0	3.4
Possession	78.7	11.4	57.9	2.2	7.2
Western States	100.0	40.3	43.8	3	13.0
Sale/manufacture	14.9	4.9	7.2	.3	2.6
Possession	85.1	35.4	36.6	.6	12.4
Total	100.0	26.1	58.7	2.7	12.5
Sale/manufacture	22.0	6.8	10.4	.9	3.9
Possession	78.0	19.2	48.3	1.7	8.6

[1]Because of rounding, percentages may not add to total.

Age

Age distribution data for all arrestees nationwide showed that 6 percent were under the age of 15, 17 percent were under 18, 32 percent were under 21, and 51 percent were under 25. The under 25 age group accounted for 52 percent of arrests in the cities, 46 percent of those in the suburban counties, and 44 percent of those in the rural counties.

Thirteen percent of the arrestees for Crime Index offenses were under the age of 15; 31 percent were under the age of 18; 47 percent were under 21; and 63 percent, under 25. A further examination of figures on arrestees in the lower age brackets showed that persons under 25 years of age comprised 51 percent of those arrested for violent crimes and 66 percent of those arrested for property crimes.

Sex

Outnumbering women arrestees by 5 to 1, males accounted for 83 percent of all arrests, 79 percent of those for Index crimes, 89 percent of those for violent crimes, and

77 percent of those for property crimes. As shown in former years, larceny-theft was the crime for which females were most often arrested. This single offense accounted for 80 percent of arrests of women for Index crimes and 20 percent of all female arrests.

Two-year trends showed virtually no change in the number of male arrests from 1983 to 1984. Female arrests were up 1 percent during the same period.

Considering a longer timeframe, arrests of males rose 10 percent from 1980 to 1984, and female arrests were up 18 percent. Although the number of adult arrests increased for both sexes, arrests of females under age 18 fell 5 percent and those of males in the same age group dropped 12 percent for the 5-year timespan.

Arrest Rates

Arrest rates are a measure of law enforcement activity in response to crime. The accompanying table presents the Crime Index arrest rates per 100,000 inhabitants in the four geographic regions of the United States.

Arrests, Region, 1984

[Rate per 100,000 inhabitants]

Offense	United States total	North-eastern States	Mid-western States	South-ern States	Western States
Murder	7.6	6.1	5.8	9.5	8.0
Forcible rape	15.9	16.1	15.1	16.3	15.2
Robbery	60.4	103.4	37.9	48.9	56.8
Aggravated assault	128.8	139.4	84.9	141.4	143.5
Burglary	183.9	139.6	139.3	194.3	247.9
Larceny-theft	561.4	466.2	545.8	549.9	692.6
Motor vehicle theft	51.9	50.0	38.3	49.5	71.2
Arson	8.2	8.0	8.0	7.1	10.2
Crime Index total[1]	1,019.8	948.8	875.1	1,016.9	1,345.3

[1]Includes arson.

Table 32.—Total Arrests, Distribution by Age, 1980

[12,042 agencies; 1980 population 208,194,225]

Offense charged	Total all ages	Ages under 15	Ages under 18	Ages 18 and over	Age									
					Under 10	10–12	13–14	15	16	17	18	19	20	21
TOTAL	9,783,181	603,927	2,025,713	7,677,468	55,088	139,942	408,897	377,792	493,073	580,921	589,996	575,105	531,092	490,597
Percent distribution[1]	100.0	6.2	20.9	79.1	.6	1.4	4.2	3.9	5.1	5.7	6.1	5.9	5.5	5.1
Murder and nonnegligent manslaughter	18,745	200	1,742	17,003	10	25	165	269	499	774	919	1,019	948	979
Forcible rape	29,431	1,052	4,346	25,085	37	171	844	777	1,076	1,441	1,638	1,690	1,713	1,795
Robbery	139,476	9,941	41,997	97,479	321	1,768	7,852	8,603	11,099	12,356	11,955	10,803	9,238	8,399
Aggravated assault	258,721	9,988	38,135	220,586	684	2,233	7,071	6,979	9,521	11,647	12,526	13,134	13,045	13,402
Burglary	479,639	73,427	215,387	264,252	6,396	17,309	49,722	43,738	49,078	49,144	42,464	33,750	28,703	22,044
Larceny-theft	1,123,823	167,853	421,082	702,741	17,218	47,247	103,388	76,936	87,492	88,801	77,996	64,922	54,064	45,651
Motor vehicle theft	129,783	14,422	58,798	70,985	266	1,854	12,302	14,224	15,929	14,223	10,604	8,537	6,876	5,748
Arson	18,459	4,697	8,161	10,298	1,327	1,311	2,059	1,252	1,131	1,081	910	849	757	632
Violent crime[2]	446,373	21,181	86,220	360,153	1,052	4,197	15,932	16,028	22,195	26,216	27,038	26,646	24,944	24,535
Percent distribution[3]	100.0	4.7	19.3	80.7	.2	.9	3.6	3.7	5.0	5.9	6.1	6.0	5.6	5.5
Property crime[4]	1,751,704	260,399	703,428	1,048,276	25,207	67,721	167,471	136,150	153,630	153,249	131,974	108,058	88,400	74,075
Percent distribution[3]	100.0	14.9	40.2	59.8	1.4	3.9	9.6	7.8	8.8	8.7	7.5	6.2	5.0	4.2
Crime Index total[5]	2,198,077	281,580	789,648	1,408,429	26,259	71,918	183,403	152,778	175,825	179,465	159,012	134,704	113,344	98,610
Percent distribution[3]	100.0	12.8	35.9	64.1	1.2	3.3	8.3	7.0	8.0	8.2	7.2	6.1	5.2	4.5
Other assaults	456,887	28,075	81,710	375,177	2,534	7,047	18,494	14,931	17,892	20,812	21,527	22,890	23,202	23,232
Forgery and counterfeiting	72,643	1,449	9,414	63,229	64	253	1,132	1,543	2,709	3,713	4,227	4,552	4,382	4,048
Fraud	261,787	1,314	7,437	254,350	62	290	962	986	1,761	3,376	6,409	9,265	11,272	12,445
Embezzlement	7,885	142	890	6,995	8	30	104	109	249	390	427	400	409	399
Stolen property; buying, receiving, possessing	115,514	9,347	34,522	80,992	460	1,766	7,121	6,821	8,850	9,504	9,608	8,245	7,154	5,982
Vandalism	233,857	54,821	115,636	118,221	9,316	16,593	28,914	19,576	20,993	20,246	16,192	13,350	10,923	9,163
Weapons; carrying, possessing, etc.	157,157	5,800	23,990	133,167	230	1,097	4,273	4,526	6,162	7,702	8,969	8,968	8,264	8,317
Prostitution and commercialized vice	85,815	291	3,089	82,726	15	27	249	382	816	1,600	4,511	7,218	8,039	8,298
Sex offenses (except forcible rape and prostitution)	63,453	4,166	11,086	52,367	329	910	2,927	2,097	2,332	2,491	2,676	2,852	2,895	2,761
Drug abuse violations	533,010	14,255	100,688	432,322	185	1,466	12,604	18,908	29,340	38,185	44,267	45,243	42,119	38,300
Gambling	46,697	213	1,742	44,955	10	23	180	288	503	738	1,043	1,138	1,293	1,407
Offenses against family and children	49,991	981	2,048	47,943	610	115	256	272	376	419	1,689	1,765	1,965	2,185
Driving under the influence	1,303,933	696	29,957	1,273,976	166	112	418	1,099	7,465	20,697	47,069	58,339	62,029	66,417
Liquor laws	427,829	9,619	141,751	286,078	138	737	8,744	19,927	44,521	67,684	70,681	58,461	41,737	15,972
Drunkenness	1,049,616	3,986	42,637	1,006,957	321	362	3,303	6,183	11,735	20,753	39,480	43,926	43,821	48,651
Disorderly conduct	724,404	30,303	119,662	604,742	2,249	6,941	21,113	20,971	29,223	39,165	49,426	49,406	46,435	45,058
Vagrancy	29,348	942	4,013	25,335	36	134	772	885	1,060	1,126	1,778	1,678	1,625	1,660
All other offenses (except traffic)	1,658,738	80,224	291,970	1,366,768	8,072	17,180	54,972	50,686	68,776	82,284	99,832	101,682	99,164	96,821
Suspicion	16,241	914	3,502	12,739	88	208	618	626	816	1,146	1,173	1,063	1,020	831
Curfew and loitering law violations	66,703	19,409	66,703	.....	419	2,450	12,536	14,739	20,411	16,148	.....	.....	.....	.....
Runaways	143,598	59,604	143,598	.....	3,519	10,283	45,802	39,459	31,258	13,277	.....	.....	.....	.....

See footnotes at end of table.

Table 31. — Total Arrests, Distribution by Age, 1983

[10,827 agencies; 1983 estimated population 200,692,000]

Offense charged	Total all ages	Ages under 15	Ages under 18	Ages 18 and over	Ages									
					Under 10	10-12	13-14	15	16	17	18	19	20	21
TOTAL	10,387,309	564,983	1,725,746	8,561,563	67,067	142,304	375,612	305,809	395,499	439,433	519,397	566,027	533,388	512,754
Percent distribution[1]	100.0	5.5	16.8	83.2	.5	1.4	3.7	3.0	3.8	4.5	5.0	5.3	5.2	5.0
Murder and nonnegligent manslaughter	18,064	157	1,345	16,719	8	20	129	211	400	577	874	928	869	865
Forcible rape	30,183	1,332	4,388	25,795	64	274	994	855	1,076	1,175	1,408	1,434	1,550	1,587
Robbery	134,018	9,203	35,219	98,799	317	1,891	6,995	6,794	9,063	10,159	10,411	9,617	8,598	7,814
Aggravated assault	261,421	10,148	33,730	227,691	703	2,570	6,875	6,003	7,900	9,679	10,900	11,759	12,093	12,220
Burglary	415,651	59,400	159,192	256,459	4,738	15,503	39,159	29,888	33,848	36,056	34,472	28,985	23,498	20,034
Larceny-theft	1,169,066	168,095	377,435	791,631	15,376	50,660	102,059	66,131	70,870	72,319	67,961	60,828	52,555	46,837
Motor vehicle theft	105,514	8,628	36,497	69,017	169	1,132	7,327	8,354	9,781	9,734	8,307	7,092	6,022	5,180
Arson	17,203	4,113	6,457	10,746	1,155	1,195	1,763	863	765	716	699	706	611	631
Violent crime[2]	443,686	20,840	74,682	369,004	1,092	4,755	14,993	13,863	18,389	21,590	23,593	23,738	23,110	22,496
Percent distribution[1]	100.0	4.7	16.8	83.2	.2	1.1	3.4	3.1	4.1	4.9	5.3	5.4	5.2	5.1
Property crime[3]	1,707,434	240,236	579,581	1,127,853	21,438	68,490	150,308	105,256	115,264	118,825	113,439	97,611	82,686	72,682
Percent distribution[1]	100.0	14.1	33.9	66.1	1.3	4.0	8.8	6.2	6.8	7.0	6.5	5.7	4.8	4.3
Crime Index total[4]	2,151,120	261,076	654,263	1,496,857	22,530	73,245	165,301	119,119	133,653	140,415	137,032	121,349	105,796	95,168
Percent distribution[1]	100.0	12.1	30.4	69.6	1.0	3.4	7.7	5.5	6.2	6.5	6.3	5.6	4.9	4.4
Other assaults	481,615	29,817	78,487	403,128	2,586	7,945	19,286	14,007	16,306	18,357	19,239	21,426	22,598	23,382
Forgery and counterfeiting	74,508	1,191	6,738	67,770	32	221	938	1,114	1,736	2,697	3,387	4,062	4,054	4,043
Fraud	261,844	9,205	20,874	240,970	383	1,762	7,060	6,907	1,786	2,976	5,551	7,736	9,402	10,747
Embezzlement	7,604	78	459	7,145	8	13	57	63	109	209	307	392	337	362
Stolen property; buying, receiving, possessing	112,424	7,740	26,564	85,860	338	1,713	5,687	5,153	6,224	7,447	7,978	7,557	6,754	6,069
Vandalism	212,629	47,949	93,157	119,472	7,167	15,679	25,109	14,951	14,933	15,304	12,637	10,842	9,686	8,772
Weapons, carrying, possessing, etc	160,534	6,110	22,492	138,042	252	1,261	4,597	4,115	5,410	6,857	8,051	8,059	7,718	7,913
Prostitution and commercialized vice	119,262	270	2,837	116,425	13	24	233	312	729	1,536	4,250	7,280	8,899	10,250
Sex offenses (except forcible rape and prostitution)	77,119	5,323	12,088	65,031	421	1,325	3,577	2,265	2,141	2,359	2,654	2,946	3,092	3,072
Drug abuse violations	616,936	11,819	72,687	544,249	173	1,313	10,333	12,697	20,225	27,946	36,285	40,511	41,327	40,828
Gambling	38,403	127	1,082	37,321	8	9	110	154	298	503	657	813	949	1,109
Offenses against family and children	46,111	476	1,310	44,801	189	84	203	202	282	350	1,140	1,372	1,567	1,765
Driving under the influence	1,613,184	522	24,997	1,588,187	113	55	356	974	5,938	17,563	44,033	63,841	73,719	84,207
Liquor laws	427,230	8,990	114,159	313,071	107	572	8,311	15,716	34,211	55,242	65,151	56,113	43,286	18,225
Drunkenness	977,924	3,191	28,833	949,091	409	223	2,559	4,034	7,446	14,122	27,821	36,220	39,332	44,965
Disorderly conduct	678,917	27,262	98,082	580,835	2,092	6,591	18,579	17,182	23,435	30,203	37,251	39,494	38,166	39,491
Vagrancy	31,262	617	2,539	28,723	27	102	488	482	657	783	1,422	1,332	1,289	1,438
All other offenses (except traffic)	2,005,797	74,461	280,646	1,725,151	7,408	17,451	49,802	41,369	77,232	87,134	105,856	114,032	113,768	110,390
Suspicion	12,262	1,004	2,828	9,434	149	241	614	548	632	624	695	670	629	558
Curfew and loitering law violations	68,148	18,721	68,148		686	3,556	14,479	14,424	18,405	16,598				
Runaways	112,476	48,834	112,476		1,976	8,923	37,935	29,821	23,581	10,240				

See footnotes at end of table.

Table 32. — Total Arrests, Distribution by Age, 1984

[9,879 agencies; 1984 estimated population 179,271,000]

Offense charged	Total all ages	Ages under 15	Ages under 18	Ages 18 and over	Age									
					Under 10	10-12	13-14	15	16	17	18	19	20	21
TOTAL	8,921,708	524,760	1,537,688	7,384,020	41,405	125,260	358,095	280,263	346,115	384,550	428,265	451,629	450,484	439,960
Percent distribution[1]	100.0	5.9	17.2	82.8	.5	1.4	4.0	3.1	3.9	4.3	4.8	5.1	5.0	4.9
Murder and nonnegligent manslaughter	13,676	138	1,004	12,672	6	23	107	156	288	422	562	628	724	666
Forcible rape	28,336	1,481	4,397	23,939	73	324	1,084	833	956	1,127	1,171	1,329	1,317	1,289
Robbery	108,614	7,206	27,795	80,819	213	1,328	5,665	5,583	6,865	8,141	8,376	7,664	6,828	6,420
Aggravated assault	231,620	9,966	31,148	200,472	669	2,352	6,945	5,593	7,184	8,405	9,236	9,926	10,498	10,770
Burglary	334,799	49,704	127,708	206,691	4,030	12,273	33,401	24,411	26,857	26,736	26,228	22,352	18,913	15,765
Larceny-theft	1,009,743	156,595	338,785	670,958	14,256	45,870	96,469	59,993	62,000	60,197	56,152	49,720	44,011	38,852
Motor vehicle theft	93,285	8,504	33,838	59,447	143	1,065	7,296	7,831	8,979	8,524	7,201	6,112	5,093	4,507
Arson	14,675	4,091	6,244	8,431	1,103	1,227	1,761	849	694	630	532	503	449	440
Violent crime[2]	382,246	18,791	64,344	317,902	961	4,029	13,801	12,165	15,293	18,095	19,285	19,547	19,367	19,145
Percent distribution[1]	100.0	4.9	16.8	83.2	.3	1.1	3.6	3.2	4.0	4.7	5.0	5.1	5.1	5.0
Property crime[3]	1,452,102	218,894	506,575	945,527	19,532	60,435	138,927	93,084	98,530	96,067	90,113	78,687	68,426	59,364
Percent distribution[1]	100.0	15.1	34.9	65.1	1.3	4.2	9.6	6.4	6.8	6.6	6.2	5.4	4.7	4.1
Crime Index total[4]	1,834,348	237,685	570,919	1,263,429	20,493	64,464	152,728	105,249	113,823	114,162	109,398	98,234	87,793	78,509
Percent distribution[1]	100.0	13.0	31.1	68.9	1.1	3.5	8.3	5.7	6.2	6.2	6.0	5.4	4.8	4.3
Other assaults	408,389	26,014	66,880	341,509	1,951	6,514	17,549	12,240	13,480	15,146	15,031	17,049	18,608	19,805
Forgery and counterfeiting	63,359	1,206	6,179	57,180	42	222	942	975	1,651	2,347	2,915	3,350	3,538	3,459
Fraud	203,175	7,850	16,997	186,178	157	1,487	6,206	5,793	7,276	8,078	8,070	6,268	7,859	8,442
Embezzlement	6,290	65	455	5,835	3	15	47	65	108	217	276	327	356	336
Stolen property; buying, receiving, possessing	95,527	6,665	22,989	72,538	265	1,275	5,125	4,596	5,464	6,264	6,924	6,385	5,716	5,140
Vandalism	189,524	46,016	87,135	102,389	6,631	14,035	25,350	14,148	13,620	13,351	10,703	9,262	8,204	7,483
Weapons; carrying, possessing, etc	137,909	5,769	20,657	117,252	244	1,096	4,629	3,971	4,786	6,131	7,022	7,169	6,692	7,015
Prostitution and commercialized vice	88,337	261	2,375	85,962	5	25	231	320	675	1,119	3,127	4,790	5,564	7,447
Sex offenses (except forcible rape and prostitution)	75,709	6,401	13,409	62,300	589	1,639	4,173	2,429	2,256	2,323	2,169	2,398	2,717	2,755
Drug abuse violations	562,255	11,407	67,211	495,044	139	1,163	10,105	12,464	18,448	24,892	31,467	35,014	36,017	36,811
Gambling	27,377	104	671	26,706	6	12	86	83	177	307	486	583	632	809
Offenses against family and children	32,877	690	1,577	31,300	244	136	310	293	307	327	927	1,145	1,171	1,213
Driving under the influence	1,346,586	457	18,563	1,328,023	130	41	286	778	4,632	12,696	32,602	47,711	58,202	69,177
Liquor laws	383,234	8,476	101,904	281,330	99	552	7,825	14,438	30,339	48,651	56,846	49,226	39,108	16,795
Drunkenness	886,434	2,704	23,582	862,852	131	239	2,334	3,434	6,179	11,265	22,459	29,867	32,852	39,084
Disorderly conduct	514,403	22,111	73,552	440,851	1,430	5,111	15,570	12,786	16,966	21,689	27,683	29,898	30,341	30,852
Vagrancy	22,640	582	2,044	20,596	33	101	448	408	476	578	1,271	1,230	1,129	1,078
All other offenses (except traffic)	1,845,398	70,453	256,575	1,588,823	6,170	15,147	49,136	40,805	69,183	76,134	92,228	100,971	103,208	102,793
Suspicion	10,419	927	2,496	13,923	173	189	563	453	569	545	641	752	777	755
Curfew and loitering law violations	67,243	18,905	67,243		600	3,150	13,155	14,508	17,873	15,957				
Runaways	114,275	50,012	114,275		1,868	8,647	39,497	30,063	23,827	10,371				

See footnotes at end of table.

CONCLUSION

There is no evidence that the availability of martial arts implements has contributed to increases in violent crime or in the commission of violent crimes by minors. With the exception of aggravated assault, the commission of all violent crimes and weapons offenses nationwide and by persons under age 18 as a group has decreased. Although the number of aggravated assaults has increased nationwide, there has been a decrease in the number of assaults committed by minors. The number of murders or assaults of law enforcement officers attributable to martial arts implements is statistically negligible compared to the use of other weapons.

These statistical decreases are not short term but are trends that go back to 1980 and before.

These statistics indicate that the proponents of S.1363 have perceived a problem that does not exist. I submit that S.1363 is not worthy of the further expenditure of this committee's time or effort. Gentlemen, certainly there are more important issues to be placed before the Senate.

Senator KENNEDY. The committee stands in recess.

[Whereupon, at 12:30 p.m., the committee was adjourned.]

APPENDIX

Sho Kosugi Ninja Enterprises, Inc.
1029 E. Valley Boulevard • San Gabriel, California 91776
(818) 288-6341 • (818) 288-6301

December 6, 1985

SEN. EDWARD M KENNEDY
UNITED STATES SENATE
WASHINGTON, D.C. 20510

RE: PROPOSED SENATE BILL S. 1363

DEAR SENATOR KENNEDY:

As a qualified expert in both the martial arts field and in the area of Ninja weaponry, as a member of the acting profession, and as a parent of three young children, I have a deep and abiding concern for the safety and morals of our young people in this great nation of ours today. Consequently, I am in total agreement with the spirit and tenor of your porposed legislation concerning the use of the mails to send dangerous martial arts weapons.

However, as is the case with any legislation relating to an esoteric topic of which only scant information has been disseminated to the general public, there may be misconceptions surrounding this legislation as to the image of the Ninja and also as to what constitutes "dangerous" martial arts weaponry.

The "Ninja" was a member of a retinue of warriors associated with a style of battle emphasizing methods employing the use of secrecy and stealth not unlike our own CIA. The weaponry was considered unorthodox for the times which could be characterized as that of constant feudal warfare. The Ninja causes were sometimes obscure and sometimes noble but they were warriors nontheless. The times were untamed, not unlike the wild west and Ninja stories were probably as highly fictionalized as those of the gunslingers of Dodge City.

I am proud of the United States, a country that has taken in so many features of different cultures and placed its distinctive stamp on these cultural transplantations. For example, the practice of Karate and Judo have been incorporated into police training programs across the nation, and Karate and Judo competition are commonplace in many of our cities, with full-contact Karate constituting the most obvious example of the "Americanization" of a discipline originating in a foreign land as well as the

transformation of an "art" into a competitive "sport". When these types (Judo and Karate) of martial arts were first introduced into American society, there were the misconceptions, distrust, and resistance common to anything "foreign"; now we take these sports for granted especially in light of the fact that Judo has been officially incorporated into Olympic competition. I am sure that the Americanization of the Ninja arts will be shaped in the same manner.

The art of Ninjitsu or way of the Ninja must be viewed in a context distinct from those who would exploit the art in an illegal manner, such as using the mails to sell actual weaponry. However there are those of us who sell replicas of Ninja weaponry, much in the same way toy cowboy pistols and bows and arrows are sold. We should not be penalized for the actions of those who would commit acts illegal in the state where the article is shipped. Plastic "nunchakus" and unsharpenable alluminum or rubber throwing stars are not "dangerous" martial arts weapons nor are they illegal in any state. We should hope that items of this nature not be maligned by a blanket categorization that all things "Ninja" are bad. We hope that at least the distinctions we have raised will at least be discussed in future senate hearings on the matter.

Please feel free to call on me for any assistance in this matter.

Very truly yours,

SHO KOSUGI

STATE CAPITOL
SACRAMENTO 95814
(916) 445-8020

DISTRICT OFFICE
SUITE 345 E
SERRAMONTE PLAZA
DALY CITY 94015
(415) 756-6400

Assembly
California Legislature

COMMITTEES
CHAIRMAN
ASSEMBLY RULES COMMITTEE
FINANCE AND INSURANCE SUBCOMMITTEE
ON INVESTMENT PRACTICES
JOINT RULES COMMITTEE
SELECT COMMITTEE ON PLASTIC PIPE
OVERSIGHT

MEMBER
FINANCE AND INSURANCE
POLICY RESEARCH MANAGEMENT
PUBLIC EMPLOYEES AND RETIREMENT
TRANSPORTATION

LOUIS J. PAPAN
19TH ASSEMBLY DISTRICT

October 11, 1985

The Honorable Strom Thurmond
United States Senate
Washington, D.C. 20510

Dear Senator Thurmond:

It has come to my attention that you have introduced legislation that would prohibit mailing of dangerous martial arts weapons. I am writing to lend my full and enthusiastic support to your bill.

In 1974 I authored, and it subsequently became California law, Assembly Bill 257 (Chapter 141, Statutes of 1974). This measure with certain exceptions, makes it a felony to manufacture, import, lend or possess weapons commonly referred to as nunchaku sticks or throwing stars.

Based on my experience and involvement regarding this issue, I am confident in recommending passage of S.1363.

By way of background, I originally introduced my bill because the chiefs of police in several of the cities in my Assembly District contacted me regarding the need for this legislation. The law enforcement officials wanted to have the authority to make arrests for the possession of a nunchaku in an attempt to counter the use of these weapons in gang fights.

I believe, unlike hunting and sports equipment, martial arts paraphernalia is advertised to glamorize and promote the hurting of human beings. This practice is unjustifiable and contributes to the use of nunchaku sticks and throwing stars as offensive weapons.

While I don't object to the use of martial arts weapons in the supervised environment of a martial arts studio, I see no need for them on the streets. The proliferation of these weapons, in large part, due to mail order availability has added to the gang violence problems which plague our cities. Menacing weapons put at risk our police officers who patrol our streets and neighborhoods.

With S.1363, the U.S. Senate can provide a window of opportunity through which our citizens can be made safer. I cannot advocate strongly enough for the passage of this bill. The State of California has recognized the importance of this matter and I respectfully ask the Senate to move also in a direction that ensures these weapons are kept out of the hands of criminals and youth gangs.

Thank you for your work in this regard and please use my letter in any way that would help your efforts to pass the bill.

Also, I have enclosed some related material you may find useful. Please contact me if I can be of further assistance.

Sincerely,

LOUIS J. PAPAN

LJP:mte
Enclosures

cc: Senator Edward M. Kennedy

Assembly Bill No. 2571

CHAPTER 141

An act to amend Sections 12020 and 12029 of the Penal Code, relating to weapons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1974. Filed with Secretary of State April 4, 1974.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2571, Papan. Weapons.

Specifies, with certain exceptions, that manufacture, importation, keeping or offering or exposing for sale, giving, lending or possessing of specifically described instrument or weapon commonly known as nunchaku, or specifically described metal plate instrument, is a felony and provides for destruction of such weapons as nuisances.

Provides that there shall be neither appropriation nor reimbursement of any local agency for any costs incurred by it pursuant to the act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

To take effect immediately, urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 12020 of the Penal Code is amended to read:

12020. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, nunchaku, sandclub, sandbag, sawed-off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

(b) Subdivision (a) shall not apply to any of the following:

(1) The manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production when such is authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and is not in violation of federal law.

(2) The possession of a nunchaku on the premises of a school

which holds a regulatory or business license and teaches the arts of self-defense.

(3) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(c) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

(d) (1) As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(2) As used in this section, a "nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, in the design of a weapon used in connection with the practice of a system of self-defense such as karate.

SEC. 1.5. Section 12029 of the Penal Code is amended to read:

12029. Except as provided in Section 12020, blackjacks, slungshots, billies, nunchakus, sandclubs, sandbags, metal knuckles, any instrument described in subdivision (c) of Section 12020, and sawed-off shotguns as defined in Section 12020 are nuisances. Such weapons shall be subject to confiscation and summary destruction whenever found within the state. Such weapons shall be destroyed in the same manner as other weapons described in Section 12028, except that upon the certification of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

The current availability of substantial numbers of the weapons which would be specified as prohibited by this act constitutes an immediate danger of serious injury to members of the public which should be alleviated without undue delay in order to protect the public safety.

O

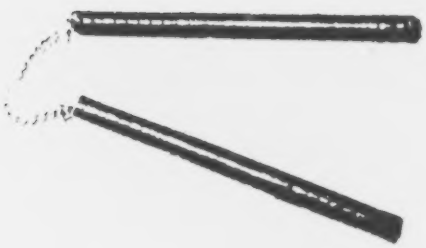
INFORMATION BULLETIN

OAKLAND POLICE DEPARTMENT

CHIEF OF POLICE

18 Sep 73

NUNCHAKU KARATE WEAPON



The Nunchaku Karate Weapon consists primarily of two round or hexagonal pieces of hard wood or pipe approximately 3/4-1-1/4" in diameter and 6-15" in length. The two pieces of wood or pipe are connected by a piece of cord, chain or leather attached to one end of each bar.

It can be used as a blackjack or by grasping one of the bars and swinging it, thus gaining greater momentum to strike with the other bar. Such weapon can also be used as a billyclub or baton by holding both bars together and swinging them as a unit.

The California Attorney General's Office in an opinion has held that this instrument constitutes what is usually known as a blackjack and is, therefore, unlawful pursuant to section 12020 of the Penal Code.

SACRAMENTO ADDRESS
STATE CAPITOL
SACRAMENTO 95814
(916) 445-8020

DISTRICT OFFICE
SUITE 3439
SERRAMONTE PLAZA
DALY CITY 94015
(415) 756-8400

BRUCE GRAY
ADMINISTRATIVE ASSISTANT

ITO 20711

COMMITTEES
VICE CHAIRMAN,
TRANSPORTATION
MEMBER
RETIREMENT
REVENUE AND TAXATION

Assembly
California Legislature

LOUIS J. PAPAN
ASSEMBLYMAN, TWENTY-SEVENTH DISTRICT

October 18, 1973

COPY

Mr. Osborn Elliott
Editor
Newsweek
444 Madison Avenue
New York, New York 10022

Dear Mr. Elliott:

I have just finished reading your article on "Killer Sticks" (nunchaku) in the October 15 issue of Newsweek.

I thought you might be interested to know that I have recently introduced legislation to outlaw nunchaku sticks as dangerous weapons in the State of California. Their use by roving gangs of youths is causing major problems in urban areas.

The first hearing on the bill will be in January when the California Legislature reconvenes. Until the measure is passed, Attorney General Evelle Younger has determined that nunchaku sticks are to be treated as "blackjacks" under California's concealed weapons law.

You are to be congratulated for pointing out the dangers of this martial art and also the dangers of visually glamorizing certain types of violence in some of today's movies.

Sincerely,

LOUIS J. PAPAN

LJP:cm
Enclosures: AB 2571
PR #41

Newsweek
444 MADISON AVENUE • NEW YORK, N.Y. 10022

NOV 14 [illegible]CD

Osborn Elliott
Editor
(212) 350 2000

November 8, 1973

Dear Mr. Papan:

My apologies for the delay in answering your letter of October 18th, but I've been travelling a good deal of late and have fallen behind in my correspondence.

~~I am indeed~~ interested in your bill to outlaw nunchaku sticks and I wish it every success when the ~~California~~ Legislature reconvenes.

Many thanks for your letter and for those kind words about our article "Killer Sticks" from the October 15th edition.

Sincerely,

Osborn Elliott

The Honorable Louis J. Papan
Assemblyman, Twenty-Seventh District
The State Capitol
Sacramento, Calif. 95814

CALIFORNIA PEACE OFFICERS' ASSOCIATION
THE DISTRICT ATTORNEYS' ASSOCIATION
CALIFORNIA STATE SHERIFFS' ASSOCIATION

July 17, 1973

The Honorable Louis J. Papan
State Assembly
State Capitol
Sacramento, California 95814

Re: AB 2571

Dear Assemblyman Louis Papan:

The Legislative Committees of the California Peace Officers' and The District Attorneys' Associations have considered the above mentioned bill and voted to go on record as approving your bill in principle. This means that while we do not assign it our highest priority, we do support it.

If you desire our assistance, please do not hesitate to call upon us. We will then endeavor to provide you with research and secure expert witnesses for committee hearings if time and resources permit.

Please be assured of our cooperation in responding to your request.

Sincerely,

D. LOWELL JENSEN, Chairman
District Attorney
Alameda County

By Carl W. Anderson
Carl W. Anderson
Legislative Advocate
800 Forum Building
Sacramento, California
Telephone: 446-7854

SAN DIEGO CITY SCHOOLS

OFFICE OF THE SUPERINTENDENT
EDUCATION CENTER
4100 Normal St, San Diego, Ca 92103
(714) 298-4681

MAR 2 RECD

March 28, 1974

The Honorable Louis J. Papan
Assemblyman, 27th District
Room 4177, State Capitol Building
Sacramento, California 95814

Dear Mr. Papan:

The San Diego City Schools has reviewed Assembly Bill 2571 which you authored. I am pleased to report that we are in support of this legislation. It will help to solve an increasingly serious problem with regard to weapons on school premises. We are working on other legislation to enable principals of schools to take appropriate steps to control loitering, vandalism and violence.

Sincerely,

Norman Wollitz

Norman E. Wollitz
Legislative Liaison Specialist

cc: Jim Murdock, Consultant
Assembly Education Committee

Gerald Hayward, Consultant
Senate Education Committee

Assemblyman Bill Greene
Assemblyman Julian Dixon
Michael O'Key, Assembly Select Committee on Juvenile Violence
Patrick
Stegeman
Mote

STATE OF NEW YORK
DEPARTMENT OF LAW

ROBERT ABRAMS
Attorney General

PETER BIENSTOCK
Assistant Attorney General in Charge
Consumer Frauds and Protection Bureau

TWO WORLD TRADE CENTER
NEW YORK, NY 10047

October 15, 1985

Chairman Thurmond and Senator Kennedy
c/o Senator Kennedy
113 Russell Senate Office Bldg.
Washington, D.C. 20510

Dear Chairman Thurmond and Senator Kennedy:

I am writing in support of S1363, which would prohibit the mail-order sale of certain dangerous martial arts weapons into states in which it is illegal, under state law, to manufacture, sell, carry or possess them. The passage of S1363 would close a gap in the United States Postal Laws (18 U.S.C. 1716) by adding nunchakus (so-called "killing sticks"), shuriken ("throwing stars") and manrikigusari (so-called "fighting chains") to the list of dangerous items, such as certain firearms, explosive and switchblade knives, which it is already illegal to send through the mails. The martial arts weapons that would be banned are all designed to kill or maim human beings and are often available for as little as ten dollars.

Although it is illegal under New York law to sell or possess chuka sticks (nunchakus) and spiked knuckles in New York State, any New York resident can order these potentially lethal weapons from out-of-state businesses that advertise in New York. New Yorkers as young as 13 years old have ordered a variety of dangerous martial arts weapons, including chuka sticks and throwing stars, from a large martial arts company in Philadelphia and have received at least $1,000 worth of these weapons through the United States mail. (See enclosed newspaper article.) This office has investigated this company and is now in the process of negotiating under the terms of our consumer protection law to prohibit the company from advertising or selling illegal martial arts weapons in New York State.

However, because not every case is susceptible to such treatment, the need for this legislation is great. The recent glamorization of martial arts weapons in the movies, combined with their easy availability, presents a special threat to our children. The U. S. Consumer Product Safety Commission estimates that, in the last five years, over 100,000 people were treated in hospital emergency rooms for martial arts-related injuries. More than 60 percent of the victims were between the ages of 5 and 24.

Until the gap in 18 U.S.C. 1716 is closed, it will continue to be as easy for children to order illegal and hazardous martial arts weapons through the mail as it is for them to order toys offered in comic books. It is clear that our children are the ones who suffer most from the availability of these hazardous products. We must put a stop to it. S1363 offers a good start.

Sincerely,

Peter Bienstock

PETER BIENSTOCK

The State of Wisconsin
Department of Justice

123 West Washington Avenue
Mailing Address: P.O. Box 7857
Madison, Wisconsin 53707-7857

Bronson C. La Follette
Attorney General

Gerald S. Wilcox
Deputy Attorney General

October 15, 1985

SENATOR EDWARD M. KENNEDY
ATT:
Mr. Nicholas W. Allard
Minority Counsel
United States Senate
Judiciary Committee
113 Russell Senate Office Building
Washington, D.C. 20510

Dear Mr. Allard:

I am writing to express my support of S. 1363 which would prohibit the interstate sale of martial arts weapons into states which prohibit their manufacture, sale or possession.

Wisconsin is currently considering a bill to prohibit furnishing dangerous weapons to minors, and several of our cities including Milwaukee and Madison prohibit the manufacture, sale or possession of martial arts weapons. Due to the national scope of this problem, statewide enforcement of any prohibition would be difficult without enactment of S. 1363.

If you have any questions, please feel free to contact either Assistant Attorney General Rustam A. Barbee who is familiar with the issues involved or me.

Sincerely yours,

B. C. La Follette

Bronson C. La Follette
Attorney General

BCL/mab

CITY OF HOLYOKE

MASSACHUSETTS

Zip Code 01040 - 4499

TIMOTHY BARRETT
Asst. Superintendent
HOLYOKE PUBLIC SCHOOLS
90 Suffolk Street
Tel. 413-534-5678

July 15, 1985

The Honorable Edward M. Kennedy
Senator
SR-364 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Kennedy:

Enclosed is a catalog which was sent to me at my home recently by an out of state firm. As a parent and an educator I found the availability of many of the items listed in this "sportsmans" catalog to be disturbing. Items offered for sale include handcuffs, thumbcuffs, whips, straight razors, throwing stars, and a wide variety of concealed weapons.

I am aware of your work to restrict the sale of this type of material through the mails and I applaud your efforts in that area. I thought you might find the enclosed material useful in that regard.

Yours sincerely,

Tim Barrett

Timothy Barrett
Assistant Superintendent

TB:ek

Enclosure

Comments by telephone 10-16-85 by Captain James Brewer, U. S. Army, presently assigned to Fourth Infantry Div., Ft. Carson, Colo. (Capt. Brewer stresses he speaks as a private citizen, not on behalf of the U. S. Army)

Being involved in martial arts since 1969, as a student, and a teacher, I've seen a lot of changes in the martial arts in the past several years. One of the most damaging changes has been the mail order availability of martial arts weapons. I fully support Senator Kennedy and Senator Thurmond's bill to limit and control the flow of mail order martial arts weapons. I disagree completely with the editorial in Black Belt magazine which opposed the bill, and I believe that the bill if it were to become law will greatly benefit responsible martial artists who are trying to train students under the law and have respect for the law.

My feeling is that unless one has something to hide or something to fear, this b ill poses no threat to a lawabiding citizen. I appreciate the efforts of the Senate to look out for children. My own children practice martial arts, but I allow them to do so only under my close supervision and training.

The right of martial artists to train with their various historic weapons in legitimate dojos should be preserved.

(telephone:303-579-4145)

New England Kyokushin Karate Organization
70A BONANNO COURT – METHUEN, MASSACHUSETTS 01844 – TELEPHONE: (617) 683-4287

LARRY F. GIORDANO
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(Massachusetts)

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SECRETARY
(New York)

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TREASURER
(Massachusetts)

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MEDICAL ADVISOR
(West Virginia)

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Methuen, Mass.

CHARLES LITTLE
Virginia

EMANUEL OAKES
Miami, Florida

August 19, 1985

Edward M. Kennedy
United States Senate
Washington D.C.

Dear Senator Kennedy:

I hope this letter finds you and yours well and happy. Recently, I wrote concerning the possibility of presenting you with an honorary Black Belt from the New England Amateur Athletic Union, which I hope will be soon. However, today I am writing concerning another very important matter.

I have been involved in Martial Arts for the past 25 years and for the last 17 years have owned and operated the Methuen Karate Association with approximately 100 students, mostly children, 17 years and under. Also, I have been a police officer for the town of Methuen for 17 years. Through my experience, working with young people in karate and police work on the street, I am very pleased to see you introduce the Banning of Mail-Order Sales of Dangerous Martial Arts Weapons.

My students do not use or are they taught weapons until Black Belt level, at which time we teach only the Bow (staff). I commend and support you on this issue. Shortly, you will receive a letter of support from the N.E.A.A.U. Karate Committee on this issue as well. As a member of the U.S. Executive Board for the I.B.P.O., I will present this information to that body in September. Much support for this Bill has been expressed through members of these groups to date.

We look forward to serve our our members well, thank you for taking interest in all our safety. If we can be of service to you please feel to call on our committee.

Yours in Martial Arts,

N.E. KYOKUSHIN KARATE ORGANIZATION

Larry F. Giordano, Chairman

UNIVERSITY OF FLORIDA
GAINESVILLE, 32611

DEPARTMENT OF PHILOSOPHY
240 ARTS & SCIENCES
904/392-2081

Oct 6, 1985

Senator Edward M. Kennedy
U.S. Senate
Washington D.C.

Dear Senator Kennedy

By now I suppose that you have received several letters concerning Senate Bill S-1363, the bill which you are sponsoring, "against martial arts weapons." I suspect that many of these letters read as if they were written by members of the NRA. I am enclosing a copy of a letter I received on the matter which you may find amusing.

I find this material to be somewhat disturbing myself, for I practice a martial art, Aikido, in which "weapons" are used -- wooden staffs and wooden "swords." These weapons are essential to the practice, and I would be sorry to have to give them up. Nevertheless, I don't believe that I have a constitutionally based right to bear arms, especially these sticks of wood. However, I wonder if your bill would be effective in curbing crime, which is, I suppose, its purpose. Also I wonder if it might, of necessity, be unenforcably vague due to the nature and variety of martial arts weapons.

Perhaps I could be of some help with this bill. I am, of course, self-interested in the matter, but I think, if you could send me a copy of the bill and its supporting rationale, I might be able to offer some valuable advice that might allow martial artists to continue their study while at the same time offering society protection against those dangers which you are so rightly concerned with.

Thank you for your concern. I hope that your mail has not convinced you that martial artists are not all as backward as the enclosed material implies. Some of us have been life-long liberals who are as gentle as we are politically concerned. I have long supported your activities and this matter will not alter that.

Sincerely

Roger Paden

Dr. Roger Paden

REVERE KARATE ACADEMY
220 SQUIRE ROAD • REVERE, MA 02151 • (617) 289-9535

SENATOR EDWARD M. KENNEDY
113 RUSSELL
SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510

AUGUST 27, 1985

Dear Senator Kennedy,

I would like to offer my support to your bill #1363 on banning the mailing of illegal martial arts weapons to those states that have the laws as such. I feel that most of these weapons are being sold to untrained individuals, especially children, who will do more harm to themselves than good. Also, in the long run these so called "karate weapons" will bring negative feelings to the martial arts whether or not the person has training in the area or not. If these weapons are used by individuals for the purposes of breaking the law, all of karate will be blamed. Myself and my wife are both full time karate instructors and we both have college degrees. We support this bill 100% and if there is any more we can do let us know.

RESPECTFULLY,

Tony Cogliandro

TONY COGLIANDRO
4th DEGREE BLACK BELT
AMERICAN KENPO KARATE

INTERNATIONAL KOKONDO ASSOCIATION
79 GOOD HILL ROAD
SOUTH WINDSOR, CONNECTICUT
06074 U.S.A.

(203) 644-9634

BLACK BELTS IN ASIA, EUROPE AND THE UNITED STATES OF AMERICA...IKA

Senator Edward M. Kennedy
U.S. Senate Office
Washington, D.C.

9-23-85

Dear Senator,

You will be pleased to note an editorial in the Hartford Courant with a direct reference to your martial arts weapons bill.

As a professional instructor in martial arts for over three decades I vigorously applaud your endeavor, though many in my field may not. A great deal of non-traditionalists have found it necessary to resort to gimmickry and sensationalism in order to survive.

Senator, it's important that you understand the reasons for such weapons as you mention in the bill, in order for you to counter their proliferation. It is just as important that you are made aware of other, perhaps even more dangerous weapons being promoted under the "guise" of teaching our young people "self defense". I list a few on a seperate page. Sometimes a weapon is a legitimate teaching tool. Traditional, ceremonial weapons develope co-ordination and muscle control, however the majority of weapons available today simply exploit and exacerbate people's fears for commercial profit.

Hollywood's NINJA weaponry panders to the violent and the paranoid. Many magazines similarly instill young people with a dependancy upon "gorilla" weapons rather than a confidence in the self. No matter how one looks at it, the "craze" for these weapons was greatly fostered by the popularization of the NINJA ...a glamorized terrorist.

I have lectured extensively upon this topic, long before it became a popular concern. I would be more than happy to offer you whatever assistance you may need.

Sincerely,

Paul Arel
IKA Director

Statement of Steve James, Actor*

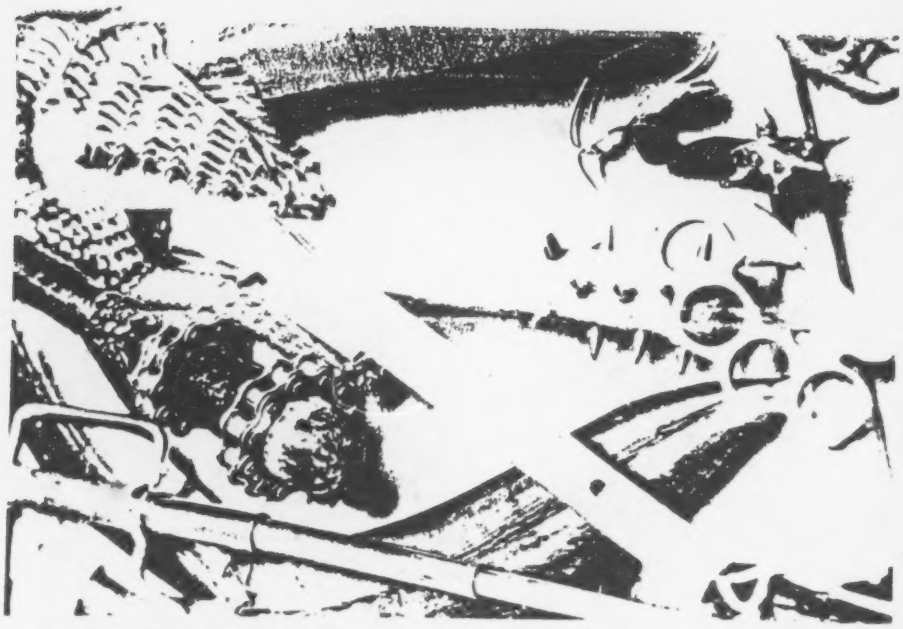
October 16, 1985
Contact: Iris Grossman, Agent
(213)550-4000

What children see in films is one thing, but to do it without formal training is very dangerous. Martial Arts should be used under formal supervision, and not in the street, or the home, or the school. Martial Arts is not about being a tough guy. It's about staying away from trouble, and learning about inner peace. And the use of Martial Arts equipment without the guidance of a qualified trainer is not something children should attempt.

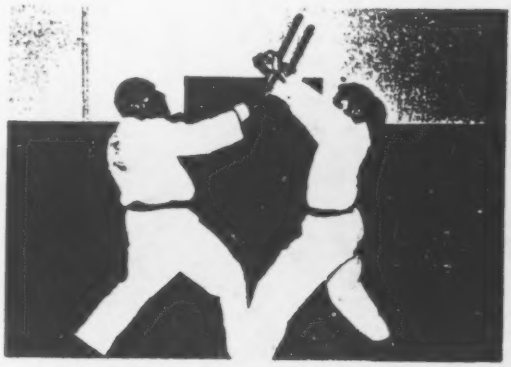
*Films include: American Ninja;
To Live and Die in L.A.;
Brother From Another Planet;
and soon to be released with Chuck Norris,
Delta Force

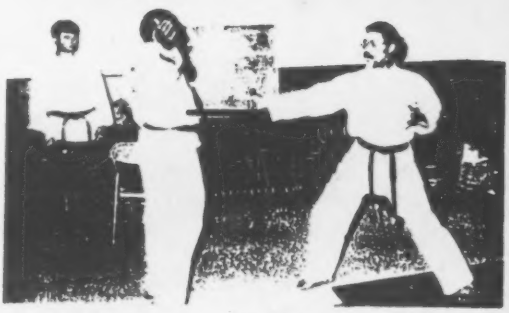
Martial Art Weapons and the Law

A police officer examines the possession and the use of martial art weapons. Check the laws in your state — it is difficult to practice your martial art from inside a cell.



Officer Sapp's demonstration kit holds nunchaku, jutte, metal knuckles, clubs reinforced with bullets or motorcycle chains, and even table forks — all removed from suspects on the street.





Above: Officer Sap mixes martial arts with police defense tactics. Left: Officer Sap works with police officers on their PR-24 technique.

KARATE HEALTH FITNESS CENTER●460 West Street, Amherst, Mass.●(413) 256-0080

The violation of state law by use of the Post Office is, alone, reason enough for the passage of the Kennedy-Thurmond Bill; but my paramount concern is for the safety of children, who easily acquire pernicious paraphernalia to play games of war--where the weapons are real.

And the inevitable tragedies mounting from this exploitation of an obvious loophole, will forever tarnish the image of the martial arts industry, the Free Enterprise system, and the goverment of the United States.

All laws are a restriction of rights for the common good; for all laws are enacted to protect the people. By definition, in a democracy there will always be a minority,subject to the will of the majority.

While the nunchaku may have legitimate martial arts purposes reaching back through years of honorable use; the fact remains that its illegitimate use by streetgangs, criminals, and inexperienced children totally eclipses its proper "traditional" use.

The high speed rotation made possible by state-of-the-art technology make the modern day nunchaku far more dangerous than its traditional predecesor. Hardwood sticks moving at 100 m.p.h. can seriously damage a human skull; or used like a nutcracker can permanently rearrange an upper vertebra.

The throwing star--by virtue of its multi-pointed design--easily pierces its intended target. And what if that target should become an eye or throat?

Not only is the throwing star a potential danger to the child handling it; but it's also a danger to anyone who comes within 10 feet of the armed child. Anyone--parents, teachers, or playmates.

And when wielded by streetgangs or criminals, these easily concealed weapons are a serious danger to law enforcement personnel. Case in point: An 11-inch razor-sharp dagger touted for its ability to pierce a bullet proof vest.

Dr. Karl Duff's extensive computer analysis of all 50 states has uncovered little crime committed by legitimate martial artists: But the problem, of course, is not with legitimate martial artists abusing the weapons--the problem lies with unqualified people mailordering for weapons and then thinking of themselves as martial artists.

Any weapon is designed to compensate for a lack of skill. Legitimate martial arts skill only comes with dedication and hard work over a long period of time, thus tempering spirit and molding character, which acts as an intrinsic fail-safe.

The present unregulated flow of martial arts weapons through an anonymous mail-system, sets up a hair-trigger trap leading to certain tragedy.

How hard is it to cut out an ad and mail a money order? How hard is it for a circle of friends to find one household where little Johny always collects the mail? It's bad enough the weapons are so freely available, but all little Johny need do is forgo a couple of comic books to come up with the cost of a deadly toy.

The often abridged Second Amendment, including the opening half which talks about a "well-regulated militia", is a poor excuse for allowing children to arm themselves.

Guns cannot be shipped by mail. How much death and destruction was wrought before that common sense idea became law?

Drugs, fireworks, and alcohol cannot be mailed. Yet the Post Office can be used to by-pass state law in order to ship deadly weapons to anyone....Anyone.

Opponents of the Kennedy-Thurmond Bill wrap themselves in the flag, while pretending to stand up for the "rights" of Americans.

Interesting how opposing editorials appear in magazines brimming with weapons ads, and articles glorifying the exploits of cold-blooded ninja assassins.

And how the word Profit is so scrupulously avoided.

In 1937 a Mr. Keswick was incapacitated by an accident while driving a defective Buick. Lawyers for Buick acknowledged that the car was at fault, but to hold the auto maker responsible would undermine the entire Free Enterprise system.

The lawyer for Mr. Keswick argued that injuries recieved kept him from supporting his family; and that the family--as an institution--takes precendence over the Free Enterprise system.

Mr. Keswick won the case....And the Free Enterprise system somehow survived.

As will the martial arts. And the martial arts will continue to thrive after passage of the Kennedy-Thurmond Bill. Opponents fear this legislation is but a foot-in-the-door, leading to more red tape that will strangle the industry of martial arts instruction.

For a karate student hones his body into a weapon of self-defense; can legislation to control weapons be a first step on the path to eliminating the rights to practice martial arts? No. And if you buy that, I've got this vacation condo at Times Beach I'll sell you (cheap).

Why does Japan, the cradle of karate instruction with an uncountable number of karate schools, strictly ban the possession of ninja bladed weapons? Isn't Japan the mother country of Ninjutsu?

Ten years ago Massachusetts banned nunchakus, throwing stars, and manrikigusaris. Yet the state never went an inch further in regulating the teaching of martial arts. The Karate Health Fitness Center considers Massachusetts fertile ground for a legitimate school to practice martial arts, unhindered by state regulation.

Nor do the other dozen states which have also banned the weapons interfere with the teaching of karate as a sport, exercise, or self-defense.

Three to five million Americans presently practice karate. Black Belt pegs ninjutsu practioners at a mere 2,000. Yet the magazine is crammed with advertisers hawking deadly ninja weapons. Obviously many more individuals other than the 2,000 "legitimate" ninja students must be buying the weapons.

One anonymous supplier is quoted saying (Black Belt Dec. 1984): "A lot of people who buy this stuff are what we call 'arm-chair' martial artists. We sell to a lot of people who have no hope of finding an instructor. We've got people who come down from the desert, you know, a middle-aged man, not particularly physically fit, and spend $100 for books and a couple of weapons and a pull over hood".

That December issue of Black Belt, which coined the term "ninjamania", displayed ninja Bud Malmstrom on the cover about to decapitate another ninja with his sword.

And the ninjamania article was suprisingly candid: "Asian World says it has age restrictions on who it will sell to over the counter, but the mail order business is virtually unpoliceable".

(Asian World of Martial Arts, which bills itself as the number one dealer in the U.S., filled seven pages and the back cover with weapons advertising).

The article went on to point out: "Retailers are expected to police themselves".

Even more candid was the acknowledgement of the problem that is my main concern: "Ninjutsu's current lock on the martial arts business world can only be described as stunning. Children of all ages clamor for every piece of ninja paraphernalia available".

Paraphernalia prominently displayed for mailorder sale in that particular issue included: The Assassin, a lock blade knife with brass knuckle handle; A three inch double-edged belt buckle knife with the caption "Our weapons are NOT toys!"; a Ninja star buckle, featuring two pop off throwing stars; A Ninja night suit that comes with "two free ninja death stars"; and a "sharpend" Ninja sword.

And for under ten dollars, anyone could purchase: Ninja throwing spikes, throwing stars, nunchakus, Ninja belt buckle with removable throwing star, and any number of how-to books illustrating weapons use.

To further entice children to buy weapons, a recent ad campaign appearing in Black Belt and Inside Kung Fu (#1 and #2 magazines in the industry) features an 18-year-old boy wielding a nunchaku, and a 13-year-old girl cocking a throwing star. Both are wearing a ninja T-shirt.

The ad designer, who also happens to be the father of the two young models, believes..."The Second Amendment to our constitution protects every member of my family's right to keep and bear arms--not just the adults".

Perhaps he'll buy his daughter a grenade-launcher for Christmass.

Asian World was cited by local Chicago authorities for over-the-counter sales of deadly weapons without a proper permit. If they can't even abide by the laws of their hometown, how can anyone really expect them to "police themselves" on mailorder sales (which make up the bulk of their business).

Federal Law is required....A barking dog with no teeth raises little concern.

A Black Belt editorial points to me as the sole instigator for this legislation, and asks the question: "Does Congress make it a practice to act on one man's opinion?".

If a building were aflame and I reported it to the fire department, do you think the chief would say: "Sorry, we don't act on the report of one man".

And what if that hypothetical building happened to be an elementary school? Authorities shouldn't take chances when young lives are at stake.

The volume of violence in America is now deafening. Children are routinely barraged by the sights and sounds of war--the glory minus the misery. And it doesn't require a Psychologist to understand that children mimic their heros; nor does it require a mathematician to figure out the simple formula: Weapons plus Children equals Danger.

With martial arts magazines, like all magazines, the majority of revenue comes from advertising. Ninjamania has resulted in an unprecedented growth in weapons dealers buying up ad space, so much so that Black Belt increased its size from 77 pages in the December 1977 issue to 130 pages for the May 1985 issue.

And advertisers that once sold legitimate karate training aids (clothing, protective gear, patches,etc) now stock nothing but weapons--most of which are imported from Taiwan.

And magazines that once specialized in articles about the martial arts as an athletic discipline, and how to improve yourself through scientific training, now publish fantasy stories about comic book cultists who specialized in assassination.

Former editor of Fighting Stars, now called Fighting Stars Ninja, David Hoag writes: "I think it is unfortunate that the martial arts is more and more taking the course that it is. When it first grew in the 60's, it was seen as a healthy, holistic means of personal growth. But today, it has become a fraternity of fanatics and--realy--frauds.

When I was forced to reverse all the work I had put into planning a decent health-oriented publication and commanded to publich gung-ho bologna, I knew it was time to leave. I wanted to edit a magazine, not fondle garbage".

A disillusioned editor can simply move on to another magazine (as David Hoag did). But karate has monoplized my spirit for 13 years--and developed in me a fighting attitude to protect what is important to me:

The safety of children is important to me.

The image of the martial arts industry is important to me.

The rights of a state to enact laws to protect its citizens--and not have that legislation by-passed by use of the Post Office--is important to me.

The Kennedy-Thurmond Bill protects all of the above; I demand its passage.

SUMMARY OF STATE LAWS RESTRICTING THE USE OF MARTIAL ARTS WEAPONS

STATES	SIMPLE POSSESSION(1)	CONCEALED WEAPON	MANUFACTURE	SALE
ARIZONA*	N(2)		N	N
CALIFORNIA*	N(2)		N(2)	N(2)
COLORADO+	N(2),(3); S(2),(3)			
ILLINOIS	S		S	S
KENTUCKY+		N,S++		
MARYLAND+	N(7)	N		
MASSACHUSETTS*	N,S,FC,X		N,S,FC,X+	N,S,FC,X+
NEW YORK+	N,S(4)			
OREGON*	N(4)			
RHODE ISLAND+	(5)	(5)		
VIRGINIA+		N(8);S(8);FC(8)		
WASHINGTON+	N(2),(6);S(2),(6)			

N=Nunchaku; S=Shuriken; FC=Fighting chain; X=Other martial arts weapons

*=Felony
+=Misdemeanor
++=Classified as a deadly weapon

(1) Not including statutes precluding certain classes of individuals from possessing weapons, e.g., ex convicts, felons, mental patients.

(2) Martial arts school or demonstration exception.

(3) May not possess in a public place unless part of a martial arts demonstration; must be transported in a closed nonaccessible container.

(4) Must have intent to use unlawfully.

(5) "Kung Fu" weapons.

(6) Possession on elementary or secondary school grounds by a student under age 21 prohibited.

(7) In certain counties illegal for a person under age 18 to carry weapons between dusk and dawn unless returning from a bona fide sporting event.

(8) Exceptions for collectors going to or returning from a bona fide weapons exhibition.

Similar legislation has recently been introduced in Connecticut, Delaware, Texas, Michigan, Vermont, Maine, and Pennsylvania. All 50 states have general weapons statutes and case law that are applicable.

EXHIBIT 1

DOLAN'S SPORTS Inc.

These Stars are patent pending and Copyright Grandmaster Allen Lee. No part may be reproduced without permission from Grandmaster Allen Lee

New Stars

Available in Black, Gold and Silver

These high-grade steel, American-made stars are the latest designs of Grandmaster Allen Lee. Each star is a brand-new original design. Stamped-in designs come in assorted colors. Large stars are .080 thick (tool and die smurf are .060 thick steel. **Small stars are available as a necklace with 24" chain.** Eagle and Mountain stars come with assorted animal symbols in their center design: tiger, lion, dragon, crane, etc.

★ Discount Offer ★

10% off for 5 or more stars
20% off for 10 or more stars

Deduct either 10% or 20%, according to the quantity, from the total cost of your star order. This offer applies to any combination of stars and necklaces ordered from this page

Flame 3 pt.

Large 4 in.

No. 915-B	Black	$ 2.00
No. 915-G	Gold	2.40
No. 915-S	Silver	2.40

Small 2½ in.

No. 915-B	Black	$ 1.20
No. 915-G	Gold	1.80
No. 915-S	Silver	1.80
No. 915-BN	Blk w. necklace	2.20
No. 915-GN	Gld w. necklace	2.80
No. 915-SN	Slv w. necklace	2.50

Ninja 3 pt.

Large 4 in.

No. 918-B	Black	$ 2.30
No. 918-G	Gold	2.80
No. 918-S	Silver	2.80

Small 2½ in.

No. 917-B	Black	$ 1.30
No. 917-G	Gold	1.80
No. 917-S	Silver	1.80
No. 917-BN	Blk w. necklace	2.30
No. 917-GN	Gld w. necklace	2.80
No. 917-SN	Slv w. necklace	2.80

Eagle 3 pt.

Large 4 in.

No. 920-B	Black	$ 2.80
No. 920-G	Gold	3.30
No. 920-S	Silver	3.30

Small 2½ in.

No. 919-B	Black	$ 1.50
No. 919-G	Gold	1.80
No. 919-S	Silver	1.80
No. 919-BN	Blk w. necklace	2.50
No. 919-GN	Gld w. necklace	2.80
No. 919-SN	Slv w. necklace	2.80

Mountain 3 pt.

Large 4 in.

No. 922-B	Black	$ 2.80
No. 922-G	Gold	3.30
No. 922-S	Silver	3.30

Small 2½ in.

No. 921-B	Black	$ 1.50
No. 921-G	Gold	1.80
No. 921-S	Silver	1.80
No. 921-BN	Blk w. necklace	2.50
No. 921-GN	Gld w. necklace	2.80
No. 921-SN	Slv w. necklace	2.80

Sunray 4 pt.

Large 4 in.

No. 924-B	Black	$ 2.00
No. 924-G	Gold	2.40
No. 924-S	Silver	2.40

Small 2½ in.

No. 923-B	Black	$ 1.20
No. 923-G	Gold	1.80
No. 923-S	Silver	1.80
No. 923-BN	Blk w. necklace	2.20
No. 923-GN	Gld w. necklace	2.50
No. 923-SN	Slv w. necklace	2.50

Ninja 4 pt.

Large 4 in.

No. 926-B	Black	$ 2.30
No. 926-G	Gold	2.80
No. 926-S	Silver	2.80

Small 2½ in.

No. 925-B	Black	$ 1.30
No. 925-G	Gold	1.80
No. 925-S	Silver	1.80
No. 925-BN	Blk w. necklace	2.30
No. 925-GN	Gld w. necklace	2.80
No. 925-SN	Slv w. necklace	2.80

Eagle 4 pt.

Large 4 in.

No. 929-B	Black	$ 2.80
No. 929-G	Gold	3.30
No. 929-S	Silver	3.30

Small 2½ in.

No. 927-B	Black	$ 1.50
No. 927-G	Gold	1.80
No. 927-S	Silver	1.80
No. 927-BN	Blk w. necklace	2.80
No. 927-GN	Gld w. necklace	2.80
No. 927-SN	Slv w. necklace	2.80

Mountain 4 pt.

Large 4 in.

No. 930-B	Black	$ 2.80
No. 930-G	Gold	3.30
No. 930-S	Silver	3.30

Small 2½ in.

No. 928-B	Black	$ 1.50
No. 928-G	Gold	1.80
No. 928-S	Silver	1.80
No. 928-BN	Blk w. necklace	2.50
No. 928-GN	Gld w. necklace	2.80
No. 928-SN	Slv w. necklace	2.80

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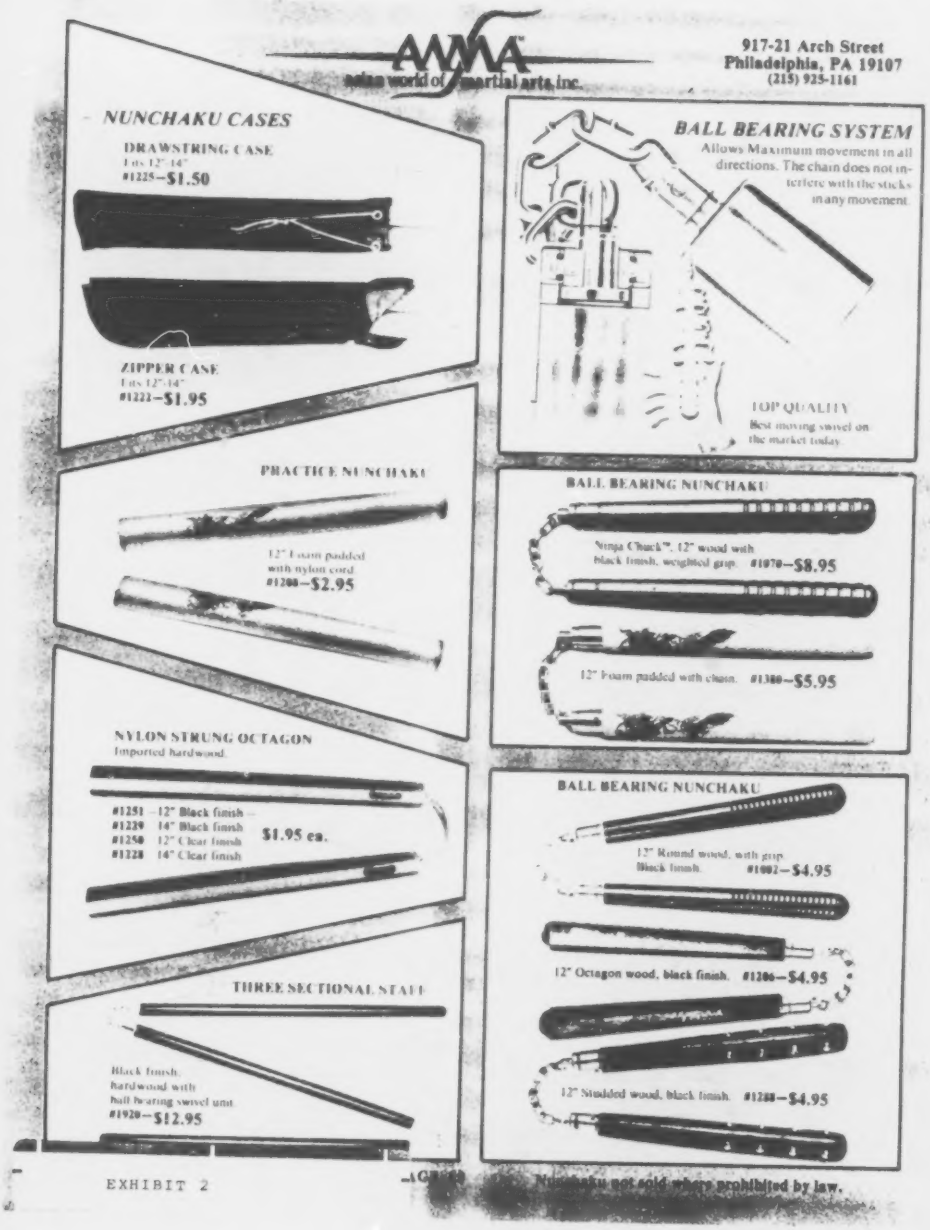
EXHIBIT 2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asian world of martial arts, inc.
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Fits 12"-14"
#1222—$1.95
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Allows Maximum movement in all directions. The chain does not interfere with the sticks in any movement.
TOP QUALITY
Best moving swivel on the market today.
PRACTICE NUNCHAKU
12" Foam padded with nylon cord
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BALL BEARING NUNCHAKU
Ninja Chuck™, 12" wood with black finish, weighted grip. #1070—$8.95
12" Foam padded with chain. #1380—$5.95
NYLON STRUNG OCTAGON
Imported hardwood.
#1251 – 12" Black finish
#1239 14" Black finish
#1250 12" Clear finish
#1228 14" Clear finish
$1.95 ea.
BALL BEARING NUNCHAKU
12" Round wood, with grip. Black finish. #1002—$4.95
12" Octagon wood, black finish. #1206—$4.95
12" Studded wood, black finish. #1288—$4.95
THREE SECTIONAL STAFF
Black finish. Hardwood with ball bearing swivel unit.
#1920—$12.95
Nunchaku not sold where prohibited by law.

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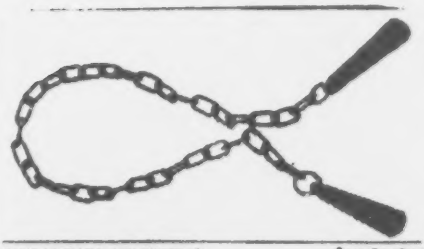
A traditional weapon from Japan's feudal wars. Used by the Ninja with deadly effectiveness. 35" steel chain, weighs 18 oz. $64-29 **$8.95**



KASARI-FUNDO **$10.95**

Black Ninja weighted steel chain. Authentic weight & length according to Stephen Hayes. 30" long. **No. 7480**

BALL BEARING NUNCHAKU

12" Round wood, with grip. Black finish. **#1002—$4.95**

12" Octagon wood, black finish. **#1206—$4.95**

12" Studded wood, black finish. **#1288—$4.95**

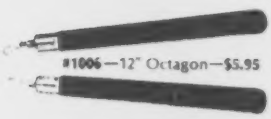
EXHIBIT 2

Philadelphia
Chicago

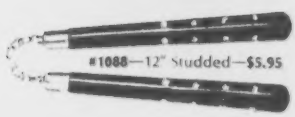
AAMA
asian world of martial arts, inc.

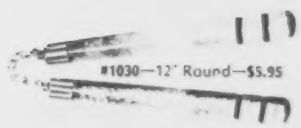
BALL BEARING NUNCHAKU

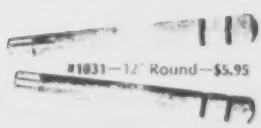
#1002—12" Round w/Grip—$5.95


#1006—12" Octagon—$5.95

#1003—12" Round—$5.95
#1004—14" Round—$5.95


#1088—12" Studded—$5.95


#1030—12" Round—$5.95


#1031—12" Round—$5.95

NEW CONVERTA CHUCK
#1091—8" Mini—$14.95
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Changes from a 24" or 16" Police Baton to Nunchaku. Ball Bearing Swivel Chain Cog
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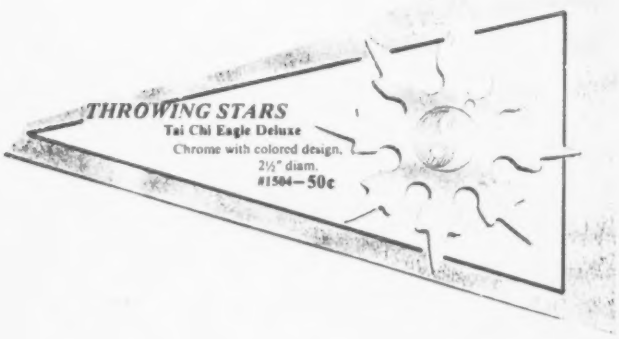
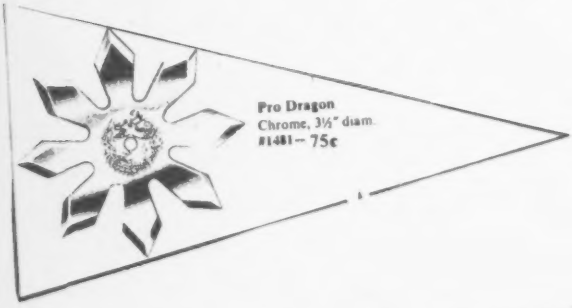

THROWING STARS
Tai Chi Eagle Deluxe
Chrome with colored design.
2½" diam.
#1504—50¢


Pro Dragon
Chrome, 3½" diam.
#1481—75¢

MOON STAR
Chrome, 3¼" diam.
#1551—95¢

EXHIBIT 2

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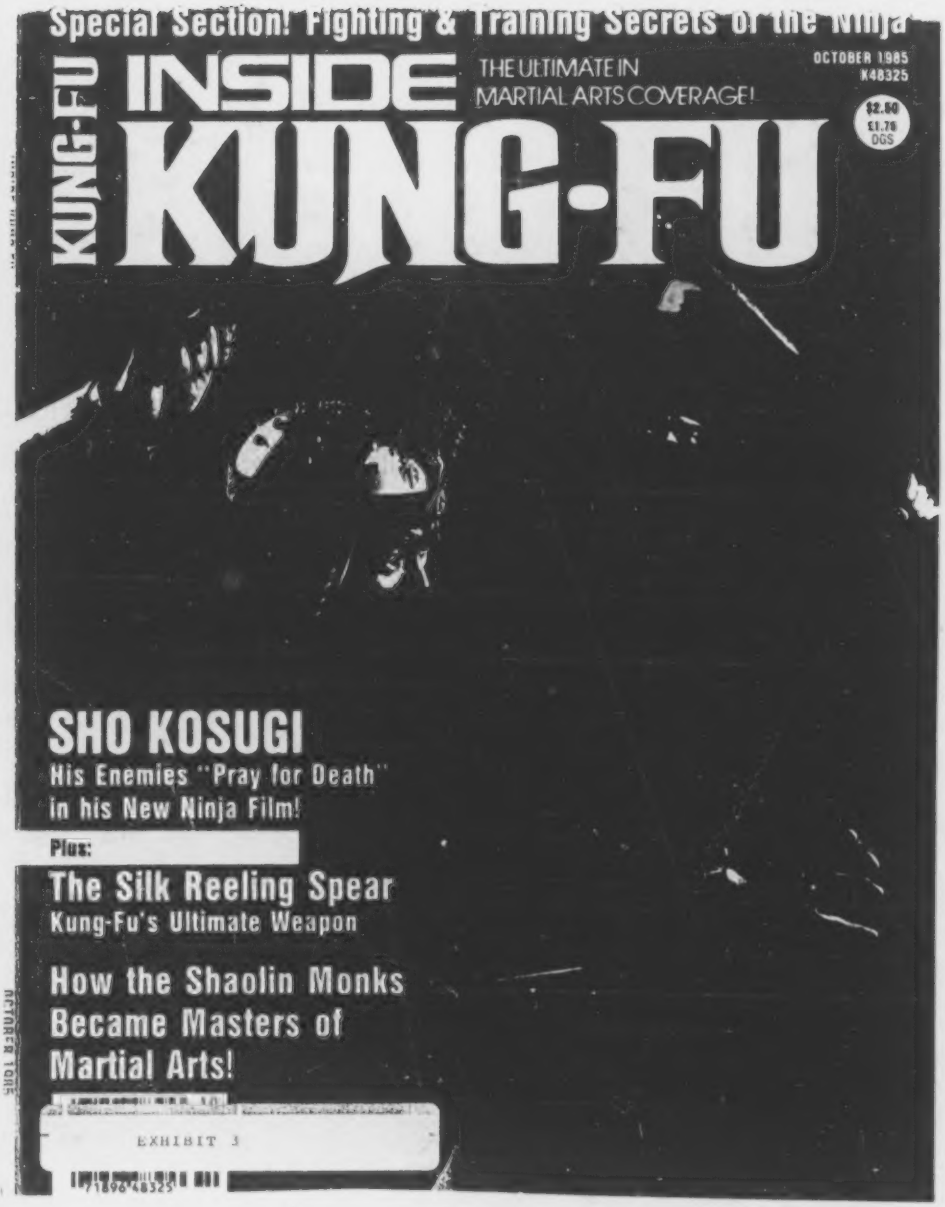
EXHIBIT 3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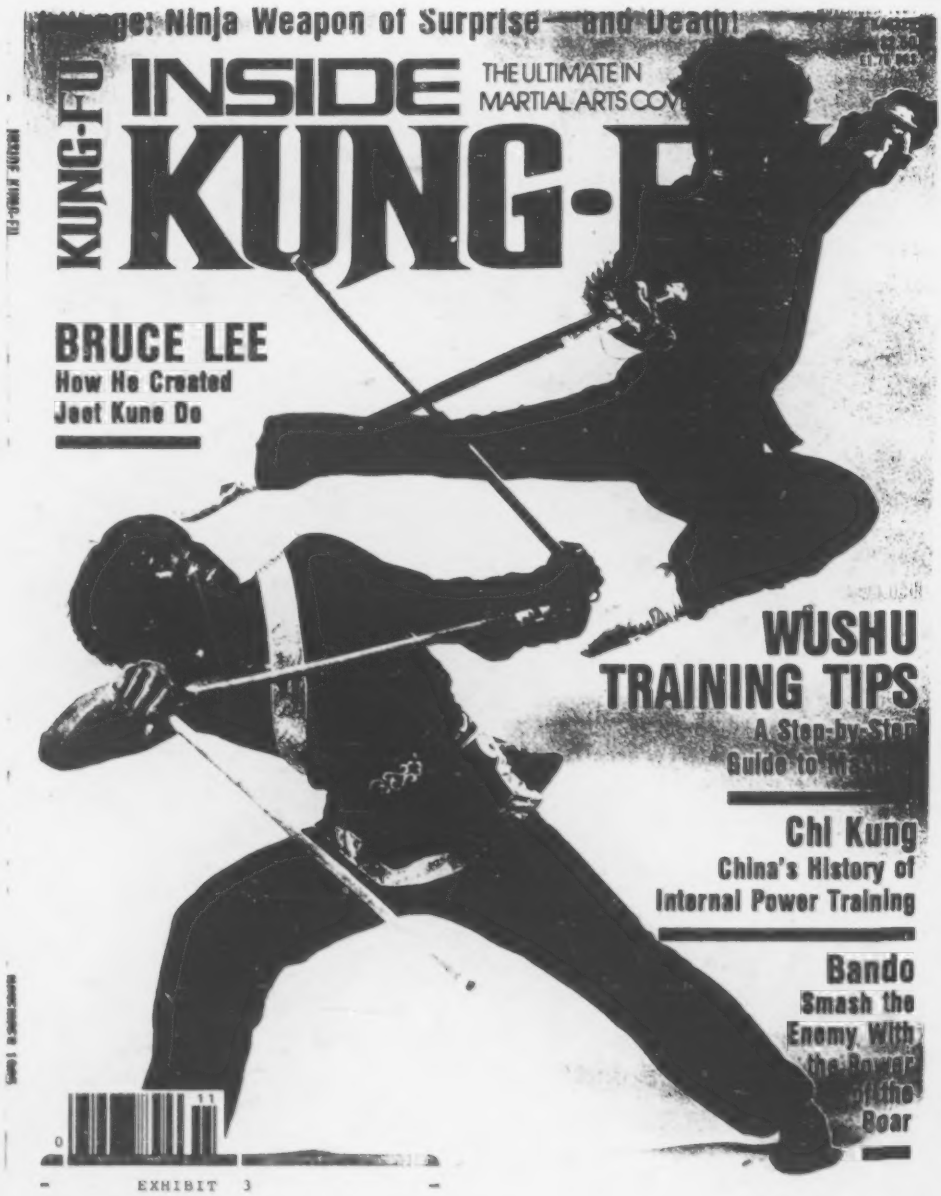
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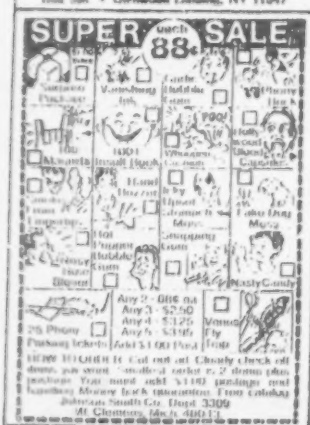
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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510

October 21, 1985

Honorable Strom Thurmond
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Strom:

In regard to our bill, S. 1363, to ban interstate mail of dangerous martial arts weapons, questions have arisen about the extent of the use of these weapons by criminals.

As you know, my primary concern has been widespread reports regarding the use of these weapons by children and by youth gangs. It is this public safety problem that has led organizations like the National PTA, the Society for the Prevention of Blindness, and the National Eye Trauma System to support S. 1363. But evidence suggesting that some criminal offenders use these weapons offers an additional reason for our legislation.

We have found accounts from across the country that suggest that this is a significant problem. For example:

-- "In spite of the law and the potential for prosecution for the possession of a deadly weapon, police officers in Colorado Springs and all around the country still remove tremendous numbers of martial arts weapons from the suspects they arrest." (James D. Brewer, "Martial Arts and the Law," Tae Kwon Do Times, November, 1985)

-- "Arrests have been made by officers of persons carrying nunchuks or shurikens, often in conjunction with other crimes. We have seen weapons of this type surfacing in gang-related incidents in certain parts of the city." (Testimony of Sargeant Paul Carr, Boston, Police Department, 10/16/85)

-- A 21-year-old Wheaton, Maryland man was admitted to Montgomery General Hospital with a "broken face" after being beaten with nunchakus and other weapons in a street fight. He later died. (Washington Post, 6/22/85)

-- A 17-year-old Arlington, Virginia High School student was charged with the murder of a 19-year-old student. The murder weapon was a butterfly knife (otherwise known as a balisong). (Boston Globe, 5/24/85)

-- Deputies confiscated more than $1000 worth of martial arts weapons from a 13- and 15-year-old, charging the two with criminal possession of a dangerous weapon. The pair allegedly brought the arsenal through a mail order catalogue for sale at their junior high school. (Advance News, 4/21/85)

-- Philadelphia police were ordered to arrest anyone wielding nunchaku. Roughly a month later, the Attorney General of California opined that carrying nunchaku was a felony, a position that was later formalized in a statute passed by the state legislature. (Black Belt, April, 1985, page 70)

-- Police arrested a man who was following a van carrying Olympic athletes and charged him with possession of explosives and martial arts weapons. (New York Times, 8-2-84, page 10.)

-- A former New Orleans police officer was held without bail on charges that he strangled his mother-in-law with a nunchaku. (UPI, 1-22-84)

-- A man who robbed a bank in Cary, North Carolina, was arrested moments later and charged with armed robbery after police confiscated a martial arts throwing star from him. (UPI, 4-29-81)

-- Police and prosecutors have become so concerned about the growth of the nunchaku's use in the District of Columbia that they have started prosecuting people found carrying nunchakus on the misdeamnor charge of carrying a dangerous weapon. (Washington Post, 1/7/76, Section 4, page 1)

-- Gary Hall (D.C. Prosecutor) said he has four trials pending in nunchaku cases and deplores the accessibility of this potentially lethal weapon. (Washington Post, 1/7/76, Section 4, page 1)

-- Assistant U.S. Attorney James Owens, chief of the Superior Court (D.C.) misdemeanor section, said there have been about a dozen prosecutions in recent months of persons carrying a nunchaku on a charge of carrying a dangerous weapon. (Washington Post, 1/7/76, Section 4, page 1)

-- Police in several cities have taken to arresting nunchaku wielders, and recently the state of Illinois classified the sticks as deadly weapons. (Newsweek, 10/15/73, page 67)

-- In Baltimore, police officers have been attacked several times with nunchakus (Newsweek, 10/15/73, p. 67)

-- "We've made almost a dozen arrests in the past few weeks and we're still finding 12- and 13-year-old kids walking around with these things sticking out of their pockets," (Los Angeles Police Sargeant Bob Martin, Los Angeles Times, 8/8/73)

I understand that the traditional crime surveys maintained by the U.S. government through the Justice Department and the FBI do not treat the three martial arts weapons covered by S. 1363 as a separate category of weapons, so precise documentation from these conventional sources is not yet available.

However, I do want to call your attention to one recent survey of convicted felons sponsored by the National Institute of Justice, which does document that even among the most serious offenders, there is a small but significant use of these weapons. According to Professor James D. Wright, the survey findings probably understate the use of these weapons by criminals.

I would ask that this information, together with the following summary prepared by Professor Wright, be included in the record of the hearings on S. 1363.

Thank you.

Sincerely,

Edward M. Kennedy

Attachments

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October 11, 1985

The Honorable Senator Strom Thurmond
Chairman, Senate Judiciary Committee
Washington DC 20510

The Honorable Senator Edward M. Kennedy
113 Russell Senate Office Building
Washington DC 20510

Dear Sirs:

I have been contacted by Mr. Nicholas Allard (of Senator Kennedy's office) in regard to information on the use of martial arts weapons among felons, this in connection with Senate bill S. 1363.

I have recently completed the first comprehensive survey ever conducted on weapons acquisition and use among the incarcerated felon population. This survey is based on questionnaires administered to 1,874 men doing felony time in ten state prisons all over the United States. Most of the questions from the survey focussed on firearms use, but there were also opportunities for these men to report their use of martial arts weapons as well. The report on the survey findings has been published by the National Institute of Justice, under the title, The Armed Criminal in America.

At Mr. Allard's request, this letter summarizes the information obtained in the survey on the use of martial arts weapons by this sample of imprisoned felons.

In a section exploring "Criminal Histories," we asked whether these men had ever done various kinds of crimes and if so, then with what kinds of weapons. Results by type of crime are as follows:

Did you ever commit:	Number Yes	Number Armed with any Weapon	Number Using Martial Arts Weapon
Assault	1270	817	29
Burglary	1261	545	11
Drug Dealing	893	532	19
Homicide	225	---	2
Robbery	907	767	9

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In another question sequence, we asked whether these men had been armed at the time of their conviction offense (that is, when they did the crime they were in prison for). All told, 810 men were armed during that crime, and of these, 25 were armed with martial arts weapons.

Men in the sample who usually used a gun to commit crimes (N = 871) were asked if they tended to carry just the gun or to carry other weapons as well. All told, 348 of the gun criminals said they also carried additional weapons, and of these, 25 cited a martial arts weapon as their customary backup.

Finally, we had 213 men in the sample who said they had committed armed crime but never with a gun, most of them being knife criminals. Among this group, however, were 14 men who said they had committed at least one crime with a martial arts weapon, and 6 who reported a martial arts weapon as their most frequently used crime weapon.

My impression is that most of the "martial arts weapons" indicated above are the infamous nanchuka sticks. Many of the weapons I have seen advertised in the martial arts magazines are in fact knives of one sort or another and would therefore have been reported as knives in the survey, not as martial arts weapons.

The survey contains no information on how these men obtained their martial arts weapons, so I cannot estimate the fraction obtained via mail orders. Also, no earlier survey of comparable scope and detail exists, so it cannot be said whether the use of martial arts weapons by felons is increasing or decreasing. The data from this survey do confirm, however, that at least some felons (a small fraction of the total, to be sure) do commit crimes with these weapons.

Sincerely,

James D. Wright
Professor of Sociology

JDW/jk

[From the Tae Kwon Do Times, November 1985]

(By James D. Brewer [1])

A high school student is enjoying a party at a friend's house on Friday night. After heated remarks are exchanged, an altercation develops and the young man is "jumped" by another man. Receiving the worst of the affair, the youth leaves the party only to return later, armed with a deadly weapon.

In a matter of moments, the young man sends his assailant of earlier that evening to the hospital with a concussion and a wound requiring fourteen stitches. He accomplishes this task by wielding a set of homemade nunchakus. He is soon arrested and charged with "assault with a deadly weapon."

"You can just about predict what you're going to see on the street by knowing what TV shows and movies are popular at the time," observed Arthur N. Sapp, an instructor with the Police Training Academy in Colorado Springs, Colorado. Officer Sapp related the incident above while discussing the proliferation of "karate weapons" and their involvement in street crime and assault.

Art Sapp has the awesome responsibility of making sure that the police officers of Colorado Springs are trained in self-defense and police tactics. A black belt in Tae Kwon Do, Art is very concerned with certain circumstances developing with weapons normally associated with the martial arts.

"After the Bruce Lee movies came out, we saw a lot of nunchakus. They were very popular, especially among young people. For a while, we were taking up to thirty sets of nunchakus from suspects each month," said Sapp.

In Colorado, the nunchakus is one of several objects considered to be a "deadly weapon." Officer Sapp says the emphasis upon using nunchakus and other martial arts weapons changes with times.

"After the TV series, 'The Master', was televised, shurikens (throwing stars) started appearing on the streets in large numbers. Now we are beginning to see a lot of blowguns, the type associated with the Ninja craze. It tends to run like a fad. Still, we are talking about serious weapons that can really be quite deadly."

The use of martial arts paraphernalia in the commission of crimes is not limited to weapons alone.

"We caught a guy the other night in a Ninja suit," said Sapp. "He was caught climbing around on a rooftop in an attempted burglary."

Art Sapp, who himself is familiar and proficient with many types of weapons, is the Colorado Springs Police Department expert on the subject of weapons and assaults involving weapons. A frequent speaker on the subject of weapons, Art maintains a display kit containing some of the more exotic "street weapons" that he and other officers have removed from suspects during arrests. A large percentage of the items in this collection are martial arts weapons.

Colorado is among numerous states that have enacted laws governing the possession and use of martial arts weapons. The law in Colorado is tough and very explicit in its description and delineation of martial arts weapons and law enforcement authorities put up with no nonsense. The law in Colorado is quite similar to the law in many other states. Walking around with a set of nunchaku in your back pocket, no matter how glamorous it may seem, will get you jailed. In spite of the law and the potential of prosecution for the possession of a deadly weapon, police officers in Colorado Springs and all around the country still remove tremendous numbers of martial arts weapons from the suspects they arrest.

Much of the equipment classified by the Colorado law as "deadly weapons" is readily available both through local purchase and by mail order. The law has sought to strike a balance between protection citizens from meeting these weapons on the street, and allowing responsible martial artists to train with the weapons in the controlled environmental of a school. The problem is—the weapons don't stay in the school, if they ever even get to the schools. Officer Sapp says that while the availability of these weapons contributes to the large numbers turning-up on the street, the situation is improving somewhat.

"With the strengthening of the law regarding nunchakus and throwing stars, we are beginning to see a lot of the stores paying attention to whom they sell the weapons," said Sapp. "Most of the local store owners around here say that they do not sell to minors, and they often have a copy of the law to explain the legal ramifications to the customer."

---

[1] About the Author: Capt. James D. Brewer is an army officer assigned to Fort Carson, Colorado. He is a free-lance writer and holds a black belt in Tae K'von Do.

Even with the efforts by some businesses to control the sale of nunchakus to minors, it is young people that are most frequently the possessor of these deadly weapons.

"We apprehend a large number of junior high and high school kids who are carrying around the nunchakus. Most of them are of commercial manufacture, but we find a lot of homemade pairs as well. Some students have even produced the weapons in shop class and gotten credit for the effort," explains Sapp.

Art Sapp credits much of the popularity of nunchakus to the ease with which they are learned. He has seen children aged twelve and up who have become amazingly proficient in the use of nunchakus. Once they are arrested, most of the people carrying illegal martial arts weapons claim they possess them "for their own protection." Art Sapp doesn't quite buy that.

"These people are standing around downtown at 10:00 p.m. on a payday, surrounded by twelve of their friends. Do you really believe they are in danger," asks Officer Sapp.

Not only do nunchakus, shuriken and butterfly knives (yes, they too are illegal since they fall under the category of a gravity knife') threaten the safety of citizens, they also give the criminal a distinct advantage over the police. While the police must guard their responses with respect to possible charges of brutality, the criminal is under no such restriction. He as likely to use his weapons with no restraint at all.

"These weapons, used against a police officer who is empty handed, would probably defeat him," said Sapp. "Just because an assailant is not trained with a weapon, doesn't mean he is not deadly with it."

Trained martial artists at the black or brown belt level are rarely the individuals that Officer Sapp and the Colorado Springs Department encounter with illegal martial arts weapons.

"What we are seeing are people that I call 'TV martial artists,'" Sapp explains. "They watch a few karate shows and then rush out to buy a set of knives or nunchakus of some other flashy weapon. These people may have trained somewhere for three or four months and earned a yellow or green belt. They figure they've learned enough."

Officer Sapp is adamant about one point.

"It is very rare that we would find a black belt involved in these criminal activities. It does happen, but not very often."

As a martial artist, Art Sapp is concerned about where the proliferation of martial arts wapons is leading. He does not believe the solution to the problem is to pass laws against the sale of the weapons. They are just too easy to manufacture or sell by their component parts, i.e., two sticks and a string. The answer according to Sapp is more complicated. There is little that serious martial artists can do to influence renegades who buy these weapons and are never affiliatd with any dojo.

"The weapons are always going to be there," said Sapp. "But the martial arts community must realize that it has a responsibility to instruct its students in the proper use of weapons as well as the legal ramifications." Art Sapp would put some expectations on the behavior of instructors.

"It is not unreasonable for a black belt instructor to question his students on their intended use and interest in martial arts weapons. Ask the student, 'Why do you want this weapon?' 'Why carry it on the streets?' 'If you are going to places where you need nunchakus, knives or spears to protect yourself, what are you doing there in the first place?'"

Sapp believes that the instructor must not hesitate to question a student's behavior.

"If one of your students is wearing a belt buckle with a push-button device that releases two or three shuriken, what do you suppose he's going to be doing with a device like that?" asks Sapp.

It is critically important to teach philosophy along with technique in the martial arts. Instead of emphasizing the use of dangerous, illegal weapons like nunchakus and butterfly knives, the time might be better spent insuring students know that the best defense is when you don't have to fight at all. If you are presently training in a system that utilizes weapons, be sure to check into the laws of your state that govern the use and possession of martial arts weapons. If you are caught on the street with a deadly weapon, it is going to be very difficult to practice your art from inside a cell.

[From the Boston Globe, May 24, 1985]

17-Year-Old Charged With Murder Ordered Held on $10,000 Cash Bail

A 17-year-old Arlington High School junior charged with the murder of a 19-year-old Lexington man last month was held on $10,000 bail yesterday.

Assistant Dist. Atty. George Murphy said Shawn Boucher is accused of stabbing James R. Pirkle five times, once in the heart, after an altercation on Academy street in Arlington shortly after midnight on April 21.

Murphy told Judge Andrew Gill Meyer that Pirkle and some friends, in three separate cars, were heading for a party in Woburn when the cars strayed into Academy street.

The other cars turned around without incident, Murphy said, but Pirkle apparently got into an argument with Boucher and three other people standing nearby. Words were exchanged, and Pirkle was stabbed twice in his left side, twice in the chest and once in the thigh, Murphy said. Pirkle died three days later at Symmes Hospital.

Boucher, who pleaded innocent, was held last night at the Middlesex County Jail in East Cambridge. He is due back in Cambridge District Court for a probable cause hearing June 3.

Paul Holian, Boucher's attorney, told Meyer that Pirkle knew karate and had kicked Boucher in the head with a shod foot.

Holian also said that Boucher went voluntarily to the Arlington police station at 11:30 Wednesday night, proving that he was unlikely to flee and thus a good risk for low bail.

But Murphy said Boucher had consistently lied to detectives and had surrendered only after an arrest warrant had been issued. The suspected murder weapon, a so-called butterfly knife, was found buried, Murphy told Meyer.

Murphy, in an interview after the bail hearing, said State Police trooper Gary Walsh and Arlington Detective James Moran had nothing to go on when they began investigating.

[From the Los Angeles Times, Aug. 8, 1973]

Nunchaku, Weapon of Karate Causing Headache for Police

(By Bill Hazlett)

An ancient karate weapon called nunchaku is the latest indication of widening interest in the martial arts—judo, kung fu, tae kwon do, aikido—in the Los Angeles area.

The only problem is that nunchaku has been classified as a blackjack under the provisions of the Penal Code and possession of the weapon could lead to a felony arrest.

The situation has created a major headache for law enforcement officers, especially those assigned to neighborhoods where some karate schools are teaching the use of nunchaku sticks.

"We've made almost a dozen arrests in the last few weeks and we're still finding 12- and 13-year-old kids walking around with these things sticking out of their pockets," says Los Angeles Police Sgt. Bob Martin.

The weapon as described in a special police bulletin, "consists primarily of two round or hexagonal pieces of wood or pipe connected by a piece of cord, chain, or leather attached to one end of each bar or stick."

In most instances the nunchaku is used as a flail, Martin said, because that is the way it was shown in a recent motion picture.

"But it also can be wielded as a club, or used as an effective garrote to choke or strangle an opponent."

Atty. Gen. Evelle Younger said, in a recent opinion, the nunchaku "is a blackjack within the meaning of the term in Penal Code section 12020," based on the legal definition of a blackjack as a short bludgeon with a heavy head on an elastic shaft, or with a flexible handle.

Dist. Atty. Joseph Busch said his office will follow the attorney general's opinion and, depending on surrounding circumstances, file on nunchakus as felony violations.

The nunchaku suddenly became popular, Sgt. Martin said, after it was featured in a motion picture called "The Chinese Connection," one in a string of martial arts movies featuring the late Bruce Lee, karate and kung fu expert.

"Not all of the karate schools are teaching use of the nunchaku sticks, and we're glad they're not," Martin said.

"But enough of them are to cause a real enforcement problem."

Television programs such as Kung Fu and a score of motion pictures like "5 Fingers of Death" have sparked the opening of at least 50 schools in Los Angeles.

[From the Sacramento Bee, Mar. 6, 1974]

Modified Kung Fu Bar Goes to Senate

(By James Dufur)

With Tony Ramos emitting an occasional "yaaaaah!" and the kung fu sticks clanking on the cork-title floor, the State Senate Judiciary Committee approved a bill which outlaws the use of the sticks—legally known as nunchaku—anywhere except in licensed karate schools.

Ramos, a 7th-degree black belt wearer from Fairfield, joined 4th-degree Black Belter Joseph A. Artesi of Bridgeton, NJ, in the committee's hearing room yesterday to demonstrate use of the nunchaku to ward off assaults.

They argued successfully, for an amendment to Assembly Bill 1571, which originally would have banned the nunchaku from use anywhere in California. They said the nunchaku are needed to teach "coordination" and defense in karate schools.

BLAMES BRUCE LEE

Artesi, who is seeking through his New Jersey karate school to win approval of karate by the Amateur Athletic Union—and eventually get it in the Olympics—deplored the use of the weapon by "hoodlums" but blamed that on the late Bruce Lee's kung fu movies.

Assemblyman Louis J. Papan, D-San Mateo County, author of AB 2571, argued in vain against any change in his bill.

"We don't need another weapon in California," he said, contending "the (karate) schools can keep going" without the nunchaku.

GOES TO FLOOR

The amendment was proposed by the committee chairman, Sen. Alfred H. Song, D-Los Angeles County, and approved on a vote of 6-2. The bill then was approved 8-0 and sent to the Senate floor. It already has been passed by the Assembly.

Among those testifying for the bill was Michael V. Franchetti, a deputy attorney general. Last fall the attorney general's office issued an opinion requested by Sacramento county Dist. Atty. John Price—finding the nunchaku to be an illegal weapon.

William A. Francis, a Los Angeles attorney representing a Southern California manufacturer of the ancient Oriental weapon, argued for a broader amendment to the bill, permitting possession and use of the nunchaku not only in karate schools but also in homes of karate students and instructors and at schools and meeting halls where the students and instructors put on karate demonstrations.

Francis said he hopes the amendment finally approved by the committee will be written so that it will—at least—permit use of the weapon in demonstrations at schools and service club meetings.

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